

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26054 of 2017

Arising Out of PS.Case No. -250 Year- 2016 Thana -BIKRAMGANJ District- SASARAM
(ROHTAS)

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Monu Khan @ Rizulan Khan @ Rizwan, son of Firoz Khan, resident of
village Bikramganj, Ahmadnagar, P.S. Bikramganj, District Rohtas

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
16.01.2017 in connection with Bikramganj P.S. Case No. 250 of
2016 registered for the offence punishable under Section 379 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he had gone to take out money from the bank on his
motorcycle and when he returned, he found his motorcycle
missing.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information
Report and has been falsely implicated on the basis of
confessional statement of a co-accused, Mundrika Rai and on his



own extra judicial confession before the police, which has no evidentiary value in the eye of law. It has further been submitted that just because the petitioner is an accused in as many as four cases of similar nature that he has been falsely implicated in the present case. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge 1st cum Additional Chief Judicial Magistrate, Bikramganj (Rohtas) in connection with Bikramganj P.S. Case No. 250 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner, who would file an affidavit stating his relation with the petitioner and that the said bailor must have sufficient immovable properties within the territorial jurisdiction of the concerned P.S./ Court. Petitioner will also appear before the learned Court below during trial on each and every date and failure to appear before the learned Court below on two



consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is further made clear that, in future, if he is found to have indulged in similar nature of offence, learned Court below will be at liberty to cancel his bail bonds.

(Nilu Agrawal, J.)

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