

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37661 of 2017

Arising Out of PS.Case No. -424 Year- 2017 Thana -KHAGARIA District- KHAGARIA

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Md. Sajid Son of Md. Javed, R/o Mohalla- Maula Bagh, Naya Tola, P.S.-
Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Rajeev

For the Opposite Party/s : Mr. Sri Rajballabh Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.06.2017 in connection with Khagaria (Muffasil) P.S. Case No.
424 of 2017 for offences punishable under Sections 414, 379 and
34 of the Indian Penal Code.

The prosecution case, as lodged by the police
personnel, is that on secret information the co-accused Md. Sabbir
was apprehended along with Sumo Gold vehicle. He revealed the
name of the petitioner and three others to be his accomplice
whereafter five four-wheelers were recovered.

It has been submitted by the learned counsel for the
petitioner that he is innocent, is the driver of the vehicle and he



had no knowledge that the recovered vehicle was the stolen property and that he bears no criminal antecedent. Later on, he has been remanded in three more cases of similar nature. He submits that confessional statement of co-accused Md. Sabbir before the police has no evidentiary value in the eye of law and that another co-accused arrested along with the petitioner Md. Afroj has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 38317 of 2017 on 21.09.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No.424 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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