

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41715 of 2017

Arising Out of PS.Case No. -46 Year- 2016 Thana -PHULWARI District- PATNA

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Dilnawaz @ lovely @ md. Dilnawaz S/o Md. Jasim Resident of Mohalla -
Khalilpura, 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. Saket Anand, Adv.

For the Opposite Party/s : Mr. Smt Pushpa Sinha, APP.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Phulwari
Sharif P.S. Case No. 46 of 2016 S.T. No. 735 of 2016, G.R. No.
529 of 2016 for offences punishable under Sections 395 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he has a shop of gold and silver jewelry and in order to
purchase the same he had gone to the market and after coming
back with gold and silver he took a tempo where four persons
were sitting. On the way after some time on gunpoint all the four
persons snatched the bag containing gold, silver and mobile and



fled away in the tempo.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and it is only on the basis of confessional statement of one Md. Imran who has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 33723 of 2016 on 17.10.2016 that the petitioner had been made accused. He submits that nothing has been recovered from the conscious possession, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that he has been remanded in the present case and is languishing in judicial custody since 05.09.2016.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is accused in six more cases of similar nature and is a habitual offender.

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 Additional Sessions Judge-IX, Patna in connection with Sessions Trial No. 735 of 2016 arising out of Phulwari Sharif P.S. Case



No.46 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that 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. 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. The petitioner will also appear before the concerned police station in the first week of every month.

(Nilu Agrawal, J)

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