

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45843 of 2017

Arising Out of PS.Case No. -128 Year- 2017 Thana -GARAUL District- VAISHALI(HAJIPUR)

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1. Md. Samsad Son of Ash Mohamad, resident of Village- Madhopur, P.S. Maniyari, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 18.07.2017 in connection with Goraul P.S. Case No. 128/2017 for offences punishable under Section 395 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he had loaded his van with fridge, LED TV, Microwave Oven etc., 5-6 miscreants intercepted and took away the van. On information that the loaded articles are kept in a godown, the police raided the godown and apprehended co-accused Sanjay Kumar, while others managed to flee away. On the confessional statement of said Sanjay Kumar, the name of petitioner surfaced.

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 in the aforesaid case only on the basis of confessional statement of co-accused before the police, which has no evidentiary value in the eye of law. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He further submits that the co-accused Sanjay Kumar has been granted privilege of bail by this Court in Cr. Misc. No. 47122 of 2017 on 09.10.2017.

However, learned APP for the State opposes the prayer for bail stating therein that petitioner is a habitual offender and there are two cases pending against him of similar nature although he is on bail in those two cases.

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 Sub-Divisional Judicial Magistrate, Hajipur (Vaishali), in connection with Goraul P.S. Case No. 128/2017, subject to the following conditions :

- (i) 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.

- (ii) 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.
- (iii) 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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