

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41726 of 2017

Arising Out of PS.Case No. -169 Year- 2015 Thana -KOTWALI District- MUNGER

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Md. Mustakim Son of late Md Mazar Alam @ Alam Resident of Mohalla -
Naya Tola Minnat Nagar (Samsarpur), P.S. - Kotwali, Distt. - Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-09-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in custody since 15.06.2017 in connection with
Kotwali P.S. Case No. 169 of 2015 for offences punishable under Section 394
of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that when the
husband of the informant was coming from the Down Farakka Express, some
miscreants snatched his mobile, ATM cards and cash of Rs. 1200/-. They also
told him to call at his house for jewellery and other valuable items, when the
informant reached the place of occurrence and on hulla the miscreants fled
away.

It has been submitted by the learned counsel for the petitioner that he is
innocent, not named in the First Information Report and it is only on the basis
of his confessional statement before the police which has no evidentiary value
in the eye of law and because of his criminal antecedent he made accused in
the present case. He submits that another co-accused on similar allegation has



been granted privilege of bail by a co-ordinate Bench of this court in Cr. Misc. Case No. 41310 of 2017 vide order dated 07.09.2017.

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, Munger, in connection with Kotwali P.S. Case No. 169 of 2015, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The petitioner will not induce any witness or tamper with the evidence.

(iii) Petitioner shall mark his attendance in the concerned police station in the first week of each month till conclusion of trial.

(iv) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Nilu Agrawal, J)

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