

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43003 of 2017

Arising Out of PS.Case No. -72 Year- 2017 Thana -BIKRAMGANJ District- SASARAM
(ROHTAS)

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Azad Khan son of Reyazuddin, resident of Village- Amari, P.S. Sasaram
(M), District Rohtas at Sasaram.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Sri Anish Chandra

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 09-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Bikramganj
P.S. Case No. 72 of 2017 for offences punishable under Section
420 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was going for refueling his vehicle two persons fled
away with Rs. 42000/-.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and has been



falsely implicated only on the basis of confessional statement of co-accused Amit Kumar Gupta @ Chotu before the police which has no evidentiary value in the eye of law. He submits that nothing has been recovered from his conscious possession, he is languishing in judicial custody since 13.07.2017 and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case of similar nature is pending against him.

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 Chief Judicial Magistrate, Bikramganj in connection with Bikramganj P.S. Case No. 72 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) 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)

Devendra/-

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