

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25578 of 2017

Arising Out of PS.Case No. -82 Year- 2016 Thana -HATHIDAH District- PATNA

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1. Rabban Sekh, Son of Moti Sekh @ SK Moti, Resident of Village- Mohabatpur P.S.- Kaliya Chak , District- Malda (W.B.)
 2. Sajbul Sekh, Son of Late Motriur Rahaman, Resident of Village- Mohanpur, P.S.- Vaishanb Nagar, District- Malda(W.B.)
- =====

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Alok Kumar, Advocate

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 13-06-2017 Heard Sri Alok Kumar learned counsel for the petitioner and learned Sri Madan Kumar, A.P.P. for the State.

The petitioners are seeking regular bail in connection with Hathidah P.S. Case No. 82 of 2016 for offence registered under Section 392 of Indian Penal Code.

Learned counsel for the petitioners submits that the allegations, as contained in First Information Report, would show that while the informant was going to Ghato for bringing coal with his truck, the truck of the informant was intercepted on the point of weapon and the same was taken away. The informant was tied with rope on the point of weapon and subsequently he was left in the forest. The miscreants are said to be 4-5 in numbers. The truck was found being driven by the petitioner No.1 on 02.12.2016 and the petitioner no.2 was also arrested from the said truck. Learned counsel for the petitioners further submits that so far as the present petitioners are



concerned, they are earning their livelihood as driver and cleaner, respectively, and they had never participated in the occurrence as alleged. He further submits that there is no criminal antecedent of the petitioners and they have been arrested on 02.12.2016, but no Test Identification Parade has been conducted during the period of six months approximately.

Learned A.P.P. opposed the prayer for bail.

However, considering the facts and circumstances of the case that the petitioners are in custody for six months and no T.I. Parade has been conducted. This Court is inclined to grant regular bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub-Judge-IV-cum-ACJM, Barh in connection with Hathidah P.S. Case No. 82 of 2016, subject to the condition under Section 437 (3) Cr.P.C. and that one of the bailors would be a local person residing within the territorial jurisdiction of the court below having sufficient immovable property and the petitioners shall cooperate in the trial. In case of two regular defaults in appearance, the bail bond of the petitioner shall be cancelled by the Court below.

(Rajeev Ranjan Prasad, J)

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