

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25153 of 2017

Arising Out of PS. Case No. -123 Year- 2016 Thana -SAHKUND District- BHAGALPUR

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1. Md. Ekram, son of Md. Rashid, resident of Village- Bhatoriya, P.S.-
Nath Nagar (Masudanpur), District- Bhagalpur.
2. Md. Shamser, son of Late Md. Mahboob resident of Village- Madarpur,
P.S.- Asharganj, District- Munger.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Gautam Kejriwal, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 01-07-2017 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are in custody since 26.08.2016 in
connection with Shahkund P.S. Case No. 123 of 2016, Sessions Trial
No. 163 of 2017 for the offences alleged under Section 394 of the
Indian Penal Code.

3. It is submitted that the petitioners have been falsely
implicated as they are not named in the first information report
which is against four unknown persons. The petitioners have been
implicated merely on the basis of extra-judicial confession of co-
accused. The petitioners have not been identified in test
identification parade and no recovery of any looted articles has
been made from their conscious possession. The petitioners claim
clean antecedents. Similarly situated accused persons, namely,
Mithilesh Choudhary as well as Ranjan Choudhary have been
granted bail by this Court in Cr. Misc. No. 17875 of 2017 and Cr.
Misc. No. 7106 of 2017, respectively.

4. Be that as it may, having regard to the entirety of the
facts and circumstances of the case, let the petitioners above named



be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned 7th Additional District and Sessions Judge, Bhagalpur, in connection with Shahkund P.S. Case No. 123 of 2016, Sessions Trial No. 163 of 2017 with the following conditions:

(i) That one of the bailors of each of the petitioners shall be their close relative other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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