

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32294 of 2017

Arising Out of PS.Case No. -51 Year- 2016 Thana -KHUTAUNA District- MADHUBANI

=====

Jaldhar Safi, S/o Dukhi Safi, R/v Soharbe, P.S. Ladaniyan, Distt. Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Sri Yogendra Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 02.01.2017 in connection with Khutauna P.S. Case No. 51 of 2016, G.R. No. 1234 of 2016 for offence punishable under Section 392 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that after depositing some money in a loan account of State Bank of India, he was returning along with his wife and daughter, in the meantime, two motorcycle borne miscreants snatched his bag which contained Rs. 5,68,000/- .

It has been submitted by the learned counsel for the petitioner that he is innocent and not named in the First



Information Report. He has been apprehended by the police while he was moving in the market. Nothing has been recovered from his conscious possession and just because he has criminal antecedent and in his self confessional statement before the police, which has no evidentiary value in the eye of law, he has been made accused. He submits that no test identification parade has been done and that charge-sheet has already been submitted and there is no allegation of tampering of prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner has a criminal antecedent and is involved in six more cases and out of which some cases are of similar nature although he has been acquitted in four 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 Additional Chief Judicial Magistrate-III, Jhanjharpur, District - Madhubani, in connection with Khutauna P.S. Case No. 51 of 2016, G.R. No. 1234 of 2016 subject to the condition that one of the bailors would be a close relative of the petitioner, who will file an affidavit stating his relationship with the petitioner and that



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. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

sushma/-

U		T	
---	--	---	--

