

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33167 of 2017

Arising Out of PS. Case No.-68 Year-2015 Thana- MANSURCHAK District- Begusarai

Munna Jha Son of Avdhesh Jha, R/o Village- Alampur Simari, P.S.-
Vidyapati Nagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 12-09-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
14.12.2015 in connection with Mansoorchak P.S. Case No. 68
of 2015 registered for the offence punishable under Sections
302 and 394 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while his brother, Md. Mansoor Alam was returning on his
motorcycle after withdrawing Rs. 30,000/- from UCO Bank for
construction of school building, as he was a teacher in the Urdu
Primary School, Darzi Tola, and reached near husk shop
Karbala, unknown criminals, who were sitting there, fired on
him, as a result, his brother died and thereafter accused persons
looted away cash and motorcycle.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and just because he has a criminal antecedent, he has been made accused on the basis of his own confessional statement before the police, which has no evidentiary value in the eye of law and that co-accused Hemant Sada has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 23468 of 2016 on 05.08.2016. He submits that there is no allegation of firing against the petitioner, rather, the allegation of firing is on co-accused Biren Sada. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and as many as eight cases are pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Mansoorchak P.S. Case No. 68 of 2015,



subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ Court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date 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, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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