

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39832 of 2017

Arising Out of PS.Case No. -56 Year- 2017 Thana -BELDAUR District- KHAGARIA

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Md. Budhin, Son of Late Sudhir, Resident of Village-Sukhaibasa, P.S.
Beldaur, District-Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
24.04.2017 in connection with Beldaur P.S. Case No. 56 of 2017,
G.R. No. 828 of 2017 registered for the offence punishable under
Section 392 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was returning to his village along with two other
persons, on the road two miscreants on pistol point snatched his
motorcycle, cash and mobile.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information
Report and his name transpired during course of investigation on



the confessional statement of co-accused. He submits that one of the co-accused has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 35887 of 2017 on 09.08.2017 and just because he has a criminal antecedent, he has been made accused in the present case. 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 has a criminal history and as many as five cases are pending against him, some of them are of similar nature.

Considering the facts and circumstances and the materials on record, let the petitioner above named 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 Additional Chief Judicial Magistrate-III, Khagaria in connection with Beldaur P.S. Case No. 56 of 2017, G.R. No. 828 of 2017, 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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