

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42156 of 2017

Arising Out of PS.Case No. -430 Year- 2016 Thana -MADHEPURA District- MADHEPURA

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1. Md. Parvej, Son of Md. Idrish,
2. Md. Tabrej, Son of Bdri Miyan, Both R/o Village- Fulkaha, P.S.- Zadiya,
District- Supaul.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 06-11-2017 Heard learned counsel for the petitioners.

This is an application for bail in connection with Madhepura P.S. Case No. 430 of 2016, registered for the offences punishable under Sections 392 of the Indian Penal Code and 25 (1-b) 2, 26 and 35 of the Arms Act.

Petitioners are not named in the FIR and later on their names transpire during course of investigation.

Submission of learned counsel for the petitioners is that they have falsely been implicated in this case and nothing has been recovered from their possession and they are in custody since 17.8.2016. Further submission is that though they are accused in six other cases but other co-accused has been granted bail by a co-ordinate Bench of this Court in Cr.Misc.No. 12645 of 2017, vide



order dated 8.4.2017 (Annexure-2).

Heard learned APP also, who has opposed the prayer for bail stating that from the possession of the petitioner No.1 Rs.46,000/- has been recovered.

Having heard both sides and in view of allegation, I am not inclined to grant bail to petitioner No.1 Md. Parvej. Let the trial of petitioner No.1 be expedited and concluded within a period of nine months.

So far petitioner no.2 Md. Tabrej is concerned, in the facts and circumstances, let him be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhepura, in connection with Madhepura P.S. Case No. 430 of 2016, subject to the conditions as follows :

- (1) One of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of the court concerned,
- (2) Petitioner will mark his attendance in local police station in first week of every month at least for a period of one year so that police may watch his conduct during the



said period, failing which the prosecution will be at liberty to move for cancellation of his bail bond.

Let this order be communicated to the Superintendent of Police, Madhepura for its compliance.

(Vinod Kumar Sinha, J)

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