

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19446 of 2017

Arising Out of PS.Case No. -232 Year- 2012 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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Habib Miyan @ Md. Habib, S/o Late Salim Miyan, R/o Village Maudah
Chatur, P.S.- Fatehpur, Distt- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Ram Bachan Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 03-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 10.01.2014 in
connection with Sessions Trial No. 137 of 2015 arising out of
Hajipur Town P.S. Case No. 232 of 2012 registered for offences
punishable under Sections 394 and 307 of the Indian Penal Code
and Section 25(1-B) A, 26, 35 and 27 of the Arms Act.

The prosecution case, as lodged by the Executive of
Radiant Cash Management, is that while he was carrying Rs.
13,30,755/- in a bag to be deposited along with other employees of
the organization, two persons snatched bag and fired upon him and
other employees.



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 surfaced on the confessional statement of co-accused Md. Kalam before the police, which has no evidentiary value in the eye of law. He submits that nothing has been recovered from his conscious possession and just because he does not have a clean antecedent, he has been falsely implicated. It is further submitted that although charge-sheet has been submitted, but as yet no prosecution witness has been examined and he has been remanded in the present case.

However, learned APP for the State submits that as many as ten cases of similar nature are pending against the petitioner and he is a habitual offender, hence, opposes the prayer for bail.

A report was called for from the Court of the learned Additional District and Sessions Judge-VIII, Vaishali at Hajipur regarding the stage of trial, which has been received by letter No. 35 dated 25.07.2017 stating therein that although charges were framed on 26.02.2016, but none of the prosecution witnesses has been examined as yet.

Considering the facts and circumstances and the period of



custody, 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 8th Additional Sessions Judge, Vaishali at Hajipur in connection with Sessions Trial No. 137 of 2015 arising out of Hajipur Town P.S. Case No. 232 of 2012, subject to the condition that both the bailors would be close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ Court, who will file an affidavit stating their relationship with the petitioner and if the petitioner, in future, 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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