

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 49465 of 2017

Arising Out of PS.Case No. -354 Year- 2016 Thana -MADHEPURA District- MADHEPURA

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1 Md Shamshad @ Md Samshad Alam, son of Md Yunus Rahmani
2 Rakesh Kumar @ Rakesh Kumar Yadav, son of Sikendra Yadav,
residents of Village – Fulkaha, Police Station – Jadiya, District - Supaul
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Uday Chand Prasad, Advocate

For the S t a t e : Dr Rabindra Kumar, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 17-10-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners seek bail in a case registered under
Sections 392/34 of Indian Penal Code.

Allegations in the first information report are that
while the informant was collecting money from the gas vendors,
four persons, concealing their identity, came to the place. One of
them, on the point of pistol, took away Rs 50,000/- from the
informant and all the four persons fled away. It is submitted by
the counsel for the petitioners that on the basis of the confessional
statement of co-accused Sarfaraz Akhtar, the petitioners have been
dragged in the instant case. Learned counsel for the petitioners
draws attention of the Court towards the order dated 01.03.2017



passed in Cr Misc No 7287 of 2017 whereby the said Sarfaraz Akhtar and another co-accused Anjar Alam have been allowed bail. Petitioners' counsel submits that the petitioners were not arrested from the place of occurrence and no incriminating article has been recovered from their possession. It is further submitted that not a single witness has been examined to implicate the petitioners in the instant case. In the other cases disclosed in the instant petition, it is submitted that the petitioners are already on bail.

Considering the aforesaid submissions, petitioner's prayer for bail is allowed. Let the petitioners above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhepura in Madhepura Police Station Case No 354 of 2016 subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar



nature after their release in the present case and, thereafter, the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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