

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15072 of 2018

Arising Out of PS.Case No. -278 Year- 2017 Thana -BHARGAWAN District- ARRARIA

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Md. Aslam son of Md. Ajmal hussain @ Mohammad Amajad, Resident of
village-Laxmipur, Bhagwati, P.S. Srinagar, District-Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 15-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
18.12.2017 in connection with Bhargama P.S. Case No. 278 of
2017 for offences punishable under Sections 413, 414/34 of the
Indian Penal Code.

The prosecution case, as lodged by the police personnel,
is that on investigation of Bhargama P.S. Case No. 175 of 2017
while the police party proceeded, they found 3-4 persons and also
saw four persons in stolen motorcycles, two were apprehended who
revealed the name of other two persons and the petitioner is said



to be the leader of the gang involved in theft of motorcycles and thereafter selling them.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated on the basis of confessional statement of the apprehended co-accused. He submits that nothing has been recovered from either possession of the petitioner or from his house. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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 Chief Judicial Magistrate, Araria in connection with Bhargama P.S. Case No. 278 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) If the petitioner indulges in an offence of similar nature in



future, 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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