

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8316 of 2018

Arising Out of PS.Case No. -648 Year- 2017 Thana -SAHARSA District- SAHARSA

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1. Md. Sitiyar, Son of Md. Ajim @ Md. Lattar, Resident of Mohalla-Saharsa Basti, P.S. & District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Uday Pratap Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 05-03-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner has been in custody since 03.07.2017 in connection with Saharsa P.S. Case No. 648 of 2017 registered for the offences punishable under Sections 447/307/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the F.I.R., it is not clear as to which of the two accused had fired on the brother of the informant. Learned counsel for the petitioner further submits that other co-accused Mukhtar has been granted bail by the Court below.

Learned counsel appearing on behalf of the State after perusal of the case dairy submits that it is only in the



restatement that the informant has named the present petitioner but there is no other corroborating material in the case diary to implicate the present petitioner.

Considering the aforementioned facts and circumstances of the case and that the petitioner has no criminal antecedent and has already been in custody over eight months, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa P.S. Case No. 648 of 2017, subject to the following conditions:-

- (1) One of the bailors will be his father.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State



shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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