

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42617 of 2018

Arising Out of PS.Case No. -369 Year- 2017 Thana -MAUZAHDIPUR District- BHAGALPUR

=====

Md. Izhar, Son of Late Feku Miya @ Fakruddin, Resident of Moghulpura,
Hussainabad, Police Station- Mojahidpur, District- Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar – 1, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 19-07-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 04.12.2017 in connection with Mojahidpur (Babarganj) P.S. Case No.369 of 2017 registered for the offence under Section 414/34 of the Indian Penal Code and Sections 25(1-b)A, 26, 35 of the Arms Act.

Learned counsel for the petitioner submits that the entire seizure as indicated under his name has been in violation of Section 100 of the Cr.P.C. and the phone alleged to have been recovered from the petitioner is his own phone. It is further submitted that the main recovery was made from co-accused Md. Chhotu and not this petitioner.

Considering the aforementioned facts and



circumstances, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, in connection with Mojahidpur (Babarganj) P.S. Case No.369 of 2017, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, mother, brother, sister and/or his wife.

(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 his 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)

PNM

U		T	
---	--	---	--

