

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.589 of 2018

Arising Out of P.S.Case No. -29 Year- 1987 Thana -RAJAUN District- BANKA

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Abdul Samad @ Nage, Son of Shekh Sujayat, Resident of Village- Harna
Bujurg, P.S.- Rajoun, District- Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Nurul Hoda , Advocate

For the Opposite Party : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 18-01-2018 Heard.

The petitioner is in custody in connection with Rajoun
P.S.Case No.29 of 1987 registered for an offence under Section
307 and other Sections of the IPC.

The case was registered against 15 named and 45-50
unknown persons on the allegation that they armed with deadly
weapon went over the land and assaulted the informant and other
persons and also took away 20 tins of jaggary from the possession
of the informant.

It has been submitted that two persons are known as
Abdul Samad in the village. This petitioner is neither named in the
FIR nor he was wanted in the case. The police apprehended the
petitioner as he is also known as Abdul Samad. The case remained
pending against the accused persons for long period as several
accused were absconding. The trial of this petitioner was separated
and he was arrested by police on the basis of warrant of arrest
which was issued in the name of Abdul Samad. The petitioner



was produced before Magistrate and he was allowed provisional bail on 28.04.2016 as the petitioner had taken plea that he was not the actual culprit. The matter was enquired and police submitted report after verification of the petitioner and thereafter his provisional bail was cancelled and then he was remanded into custody. The petitioner is in custody since 04.08.2017 having clean antecedent. The other co-accused are enjoying the privilege of bail.

Considering the nature, facts and circumstances of the case, prayer for bail is allowed. Let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Banka in connection with Rajoun P.S.Case No.29 of 1987, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

B.Kr./-

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