

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59018 of 2018

Arising Out of PS.Case No. -152 Year- 2018 Thana -CHANDAUTI District- GAYA

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1. Md. Jishan @ Md. Mian Zishan S/o Mehndi Hassan, R/o Mohalla-Katari, Aliganj, Faiz Colony, P.S.- Chandauti, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 30.07.2018 in connection with Chandauti P.S. Case No. 152 of 2018 for offences punishable under Sections 147, 148, 149, 341, 323, 307, 302 and 506 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that as many as 10 persons including the petitioner had taken away the informant's son Shahzad along with another person, namely, Md. Saifi who was also kept confined and beaten by them by means of *lathi*, hockey stick and iron pipe. Seven more co-accused were named, who have threatened the informant side.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and fact is



that there is no eye witness to the alleged occurrence as it is on the basis of statement of the said Md. Saifi that the allegation has been made. He submits that deceased Md. Shahjad and Md. Saifi along with one another had come for theft to the house of one Altaf Ansari and on being caught, they were beaten by the persons and an FIR has been lodged against the said Md. Shahjad (deceased) and Md. Saifi bearing Chandauti P.S. Case No. 151 of 2018 of an incident prior to the present FIR. He submits that general and omnibus allegation has been levelled against him and the petitioner is languishing in judicial custody since nearly two months.

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, Gaya, in connection with Chandauti P.S. Case No. 152 of 2018.

(Nilu Agrawal, J)

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