

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69785 of 2018

Arising Out of PS. Case No.-65 Year-2018 Thana- PHULWARISHARIF District- Patna

Md. Arshad @ Sadab @ Md. Sadab S/o Md. Akil R/o Mohalla-Nausa(Nusha)
Phulwarisharif,P.S.-Phulwarisharif,Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Sri Nityanand Tiwary (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 06-12-2018 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Phulwarisharif P.S. Case No. 65 of 2018 registered for the offences punishable under Sections 394 of the Indian Penal Code.

Informant has alleged that when he was talking with one Anand Kumar, three unknown miscreants on blue Apachi motorcycle came there and on strength of pistol looted his mobile and cash of Rs. 31,400/-.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. He is not named in FIR. Nothing has been recovered from his possession. He has not been put on Test Identification Parade.



Name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Md. Nanhe @ Naiyer and except confession nothing against the petitioner. He is in custody since 23.03.2018. It has been further submitted that similarly placed co-accused has been granted bail by co-ordinate Bench of this Court in Cr. Misc. No. 65907 of 2018 vide order dated 27.11.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XV, Patna in connection with Phulwarisharif P.S. Case No. 65 of 2018 subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/Manoj-

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