

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11512 of 2018

Arising Out of PS.Case No. -22 Year- 2016 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Aftab Alam @ Md. Aftab Alam @ Kuaish Miya Son of Md. Yunus @ Yunus Miya, Resident of Village-Ahirouliay, (Barachakiya), P.S.-Chakia, District-East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. Humayou Ahmad Khan

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 21.03.2016 in connection with Chakia P.S. Case No. 22 of 2016 for offences punishable under Sections 392, 395, 412, 120-B of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was returning home on his motorcycle, four miscreants stopped him and snatched his motorcycle and Rs. 19,920/-.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the First Information Report and just because he has a criminal antecedent, in which most of the cases are old matters, he has been made accused in the present case. He submits that his own extra judicial confession before the police has no evidentiary value in the eye of law and one of the co-accused has already been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 8872 of 2018 vide order dated 06.03.2018. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and three more cases of similar nature and one of serious nature are pending against him.

Considering the facts and circumstances and the materials on record and the period of custody, 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, East Champaran at Motihari, in connection with Chakia P.S. Case No. 22 of 2016, subject to the conditions that:



- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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

