

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63519 of 2017

Arising Out of PS.Case No. -553 Year- 2017 Thana -KHAZANIHAT District- PURNIA

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Md. Chand @ Md. Chand Alam S/o Md. Jaffar @ Md. Jabbir , R/o Village-
Mujaffar Ahmad Nagar, P.S.- K. Hat (Sahayak), District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Sri S. Ehteshamuddin

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Sessions Trial
No. 330 of 2017 arising out of K Hat (Sahayak) P.S. Case No. 553 of
2017 for offences punishable under Section 379 of the Indian Penal
Code and later on Sections 411 and 413/34 I.P.C. has been added.

The prosecution case, as lodged by the informant, is
that while he had parked his motorcycle, some body has stolen it.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and it is only
on his own confessional statement before the police, he has been



made accused. He further submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody since 09.08.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and as many as five cases are pending against him, four of similar nature. In fact, the motorcycle was recovered from the possession of the co-accused who in his confessional statement stated that it is the petitioner who lifted the motorcycle and is a member of gang for lifting of motorcycles.

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 3rd Additional District and Sessions Judge, Purnea in connection with Sessions Trial No. 330 of 2017 arising out of K. Hat (Sahayak) P.S. Case No. 553 of 2017, subject to the condition that:

- (1) One of the bailors would be a close relative of the petitioner, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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