

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45534 of 2018

Arising Out of PS.Case No. -525 Year- 2017 Thana -LAHERIASARAI District- DARBHANGA

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1. Md. Imteyaj @ Md. Emteyaz @ Imtiyaz @ Md. Imtiyaz @ Md. Imtaj
 Son of Siddique Pamariya @ Md. Sidik Pamariya resident of Village -
 Rauti, P.S. - Rajnagar, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 19.09.2018 Heard learned counsel for the petitioner as well as
 learned Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
 Lahariasarai P. S. case no. 525/2017 registered under
 sections 448,341, 323, 524 and 307/34 of the IPC.

Earlier petitioner filed Cr. Misc. no. 31565/2018
 which was dismissed on the ground of maintainability vide
 order dated 22.6.2018 taking note of this fact that the
 petitioner was shown absconder but in this petition,
 petitioner has claimed that he was never declared absconder
 and the learned court below committed error while writing
 order dated 23.4.2018 passed in ABP no. 6/2018. However,



a report was called for from the learned court below and the learned court below reported that Investigating officer kept investigation pending against the petitioner showing him as absconder.

Learned counsel for the petitioner submits that the petitioner is not named in the first information report and in course of investigation, name of the petitioner came in the confessional statement of co-accused and except confessional statement, there is nothing against the petitioner.

Learned Addl. Public Prosecutor, having gone through the case diary, fairly concedes this fact that except confessional statement of co-accused, there is nothing against the petitioner. However, it is informed that almost all other co-accused have already been granted regular bail by different benches of this court. It is also informed that co-accused persons were never put on test identification parade by the Investigating officer.

Learned counsel for the petitioner, further, submits that the petitioner does not have any criminal antecedent which is evident from perusal of para 3 of the petition and moreover, the petitioner is ready to cooperate with



Investigating officer.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Darbhanga in Lahariasarai P. S. case no. 525/2017 subject to conditions as laid down under section 438(2) of the Cr.P.C and further, he shall cooperate the Investigating officer whenever and wherever he is called on by the Investigating officer.

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(Hemant Kumar Srivastava,J)

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