

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27644 of 2018

Arising Out of PS.Case No. -125 Year- 2013 Thana -JOGBANI District- ARRARIA

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MD. MURTUZA @ MURTAZA, Son of Late Tafejul, resident of Village-
Bhawanipur, P.S. Fulkaha, District- Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. Shyam Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 18-05-2018 Heard the learned counsel for the petitioner as
well as the learned A.P.P. for the State.

In this application the petitioner seeks bail in
connection with Jogbani P.S. Case No. 125 of 2013/ G.R. No.
2940 of 2013 for the offence punishable under section 395 of the
Indian Penal Code.

Allegedly, seven unknown accused persons after
entering into the house of the informant committed dacoity.
During investigation co-accused Pawan Kumar Yadav confessing
his guilt stated the name of the petitioner also regarding his
involvement in the crime.

Submission is of false implication and that
nothing has been recovered from possession of the petitioner, as
per report of the A.C.J.M. 1st, Araria vide letter no. 126 dated
14.05.2018 final form was submitted against the petitioner and



others but differing with the final report cognizance has been taken resulting the petitioner is suffering in custody since 08.03.2018, whereas, similarly situated co-accused, namely, Md. Salam @ Salam and Md. Mokim @ Mokim Mian @ Mokim have been allowed pre-arrest bail vide Cr. Misc. No. 1759 of 2018 by order dated 22.02.2018 by another co-ordinate Bench of this Court (vide Annexure-3).

The learned A.P.P. fairly submits that the aforesaid two co-accused similarly situated have been allowed pre-arrest bail.

In the facts and circumstances stated above, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Araria in connection with the aforementioned case, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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