

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28163 of 2018

Arising Out of PS.Case No. -157 Year- 2017 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

=====

Tabrej Alam son of Murtuza Mian resident of Village - Barwa Chap, P.S. -
Chanpatia, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Mustaque Alam

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Majhaulia P.S.
Case No. 157 of 2017 for offences punishable under Sections
394/34 of the Indian Penal Code.

The prosecution case, as lodged by the Sangam
Manager in Bharat Financial Inclusion Limited, is that while he
had collected Rs. 80,145/- from four centers and was coming on
the way, four miscreants on three motorcycles stopped him and
assaulted and took away the motorcycle, the said collected
amount, Rs. 7000/- of his personal money and other documents
and articles.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and just because he has criminal antecedent, he has been made accused in the present case. He further submits that his name surfaced on the confessional statement of one Gyan Singh @ Gyan Sah and other co-accused named in the confessional statement has been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 18852 of 2018 vide order dated 03.04.2018. He submits that he has been remanded in the present case from Balthar P.A. Case No. 52 of 2017 on 09.04.2018 and that charge-sheet has been submitted.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and is involved in three more cases of similar nature.

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 Chief Judicial Magistrate, West Champaran, Bettiah in connection with Majhulia P.S. Case No. 157 of 2017, 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) 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.
- (3) 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)

Devendra/Pragya

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

