

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11298 of 2019

Arising Out of PS. Case No.-561 Year-2017 Thana- SAUR BAZAR District- Saharsa

Md. Mohid, aged 36 years (Male), Son of Late Md. Moin, Resident of village, Lahouna P.S. Sour Bazar, District, Saharsa	 Petitioner/s
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Versus

The State of Bihar	 Opposite Party/s
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Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 05-03-2019 As prayed, learned counsel for the petitioner is permitted to remove the defect(s) as pointed out by the Stamp Reporter in course of the day.

Heard learned counsel for the parties.

Petitioner seeks bail in Sour Bazar P.S. Case No. 561 of 2017 registered for the offence punishable under Section 395 of the Indian Penal Code.

Earlier the bail application of the petitioner was rejected by this Court vide order dated 01.08.2018 passed in Cr. Misc. No.46519 of 2018. Now, the petitioner has renewed his prayer for bail by filing the present application.

Informant has alleged that while he and other villagers were coming on a reserve tempo, it was intercepted in mid-way and cash of Rs.30,000/- and two mobiles were looted away by unknown miscreants. F.I.R. is against unknown.

It has been submitted on behalf of the petitioner that



he has committed no offence and nothing was recovered from his possession. During investigation, it has come that one of the looted mobile was recovered from the possession of the petitioner which was used by him after inserting his SIM and except said Mobile, there is no any other incriminating article recovered from the possession of the petitioner. Other co-accused Md. Jafar, Md. Imran, Md. Bablu and Aftaz Alam have been granted regular bail by the Hon'ble Court. Petitioner was never put on T.I. Parade. Petitioner has one criminal antecedent of the year 2014 instituted under Sections 143, 341, 323, 379, 380 and 504 of the IPC. He is in custody since 03.02.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Sour Bazar P.S. Case No. 561 of 2017, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond



shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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