

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3457 of 2019

Arising Out of PS. Case No.-228 Year-2018 Thana- JOKIHAT District- Araria

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1. Md. Ekram @ Sanichra @ Aikram @ Md. Sanichra son of Serajul @ Serajuddin
2. Md. Zahid son of Shafique both are Resident of Village-Chaki P.S Jokihat, District-Araria

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha
For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-01-2019 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since 26.08.2018 in connection with Jokihat (Mahalgaon) P.S. Case No. 228 of 2018, G.R. No. 2541 of 2018 for offences punishable under Sections 323, 379, 506/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that while he went at the Pan shop for eating pan, the petitioners along with two others took away Rs. 10,000/- as well as his silver chain.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely



implicated in the aforesaid case. In fact both the petitioners and the informant were friends and due to minor quarrel, the petitioners have been falsely implicated. It is further submitted that none of the stolen articles have been recovered from the possession of the petitioner, they are languishing in judicial custody since six months and charge-sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that petitioners do not have a clean antecedent. The petitioner no. 1 has two more criminal cases against him and petitioner no. 2 has one criminal case against him for similar offence.

Considering the facts and circumstances of the case and materials on record and the nature of allegations, let the petitioners above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Jokihat (Mahalgaon) P.S. Case No. 228 of 2018, G.R. No. 2541 of 2018, subject to the conditions:-

(1) One of the bailors would be close relative of the



petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(2) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

devendra/priyanka

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