

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.12355 of 2019

Arising Out of PS. Case No.-114 Year-2018 Thana- INDUSTRIAL District- Bhagalpur

MD. HASIM @ HASIM @ MD. HASAN MANSURI, Male, aged about 32 years, Son of Late Farooque, Resident of Village- Fatehpur, Mansuri Tola, Police Station- Industrial (Zeromile) District- Bhagalpur ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Md. Najmul Hodda, Adv.

For the Opposite Party : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 28-02-2019

Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 27.08.2018 in connection with Industrial P.S. Case No. 114 of 2018 for the offence alleged under Section 392 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while she was closing her house to bring the children from school, one person came and asked whether the house could be given on rent, thereafter, three more persons came and forcibly entered into the house took away some gold ornaments and cash of Rs.22,000/-. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, not named in the first information report and has been falsely implicated in the aforesaid case. He submits that no test identification parade has been done so far although the informant claims that she will recognize miscreants. Some of the co-accused, on similar allegation, have been granted the privilege of bail in Cr. Misc. No. 69518 of 2018,



dated 04.12.02018, and Cr. Misc. No. 79032 of 2018, dated 30.01.2019. The petitioner has been made accused on suspicion and is languishing in judicial custody since six months. Charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances, the nature of allegation and the period already of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Industrial P.S. Case No. 114 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, subject to the condition that 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.

(Nilu Agrawal, J)

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