

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14692 of 2019

Arising Out of P.S. Case No.-42 Year-2012 Thana- KISHANGANJ District- Kishanganj

SHAMSAD @ LADDU aged about 30 years, Male, S/o Isararul Hak @
Haque @ Isararul Resident of Village- Rangamani, P.S.- Kochadhaman,
District- Kishanganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
09.08.2018 in connection with Kishanganj P.S.Case No.42 of
2012 for the offence alleged under Sections 457, 380 and 411 of
the Indian Penal Code.

The prosecution case as lodged by the informant is
that he had kept his motorcycle inside the gate of the house but
in the morning, he found that it was stolen.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the FIR and has
been falsely implicated in this case on the confessional
statement of the co-accused Md. Shamsad, son of Md.



Jamirruddin. He submits that the stolen motorcycle has not been recovered from the possession of the petitioner rather from the possession of another co-accused and just because he has a criminal antecedent, he has been made accused in the present case. He further submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence and the petitioner is languishing in judicial custody since more than seven months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one two cases of similar nature are pending against him.

Considering the nature of allegations and the period of custody and that chargesheet has already been submitted, 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 Kishanganj P.S.Case No.42 of 2012 to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, subject to the following conditions:-

(i) 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.



(ii) 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)

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