

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13466 of 2019

Arising Out of PS. Case No.-54 Year-2017 Thana- POTHIIYA District- Kishanganj

=====

Faizul, son of Khudam Ali @ Khurdam Ali, Resident of Village - Nimlagaon,
Taiyabpur, PS- Pothiya, Distt - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha

For the Opposite Party/s : Mr.Ram Naresh Ray

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 379, 414 and 34 of the Indian Penal
Code and Section 25(1-3)(a), 26, 35 of Arms Act registered in
connection with Pothiya P.S. Case No. 54 of 2017.

3. It is submitted that the petitioner has been falsely
implicated merely on the confessional statement of co-accused,
Subhash Yadav, except which there is no objective material to
connect the petitioner with the alleged occurrence. The said co-
accused Subhash Yadav has also named other co-accused Jebba,
Safatulla @ Sukha and Jiyaul Haque who have already been
granted anticipatory bail by this Court vide orders dated
11.05.2018 and 14.08.2018 passed in Cr. Misc. Nos.36126 of



2018 and 52782 of 2018 respectively. No recovery of any incriminating articles has been made from the possession of the petitioner.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Pothiya P.S. Case No. 54 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically



present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

sanjeev/-

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

