

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15853 of 2019

Arising Out of PS. Case No.-500 Year-2017 Thana- GARKHA District- Saran

MUNNA MIAN @ DANISH EQBAL Son of Abbas Mian @ Md. Abbas
Resident of Village - Harpur, Parsa, P.S. - Parsa, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 04.12.2018 in connection with Garkha P.S. Case No. 500 of 2017 for offences punishable under Sections 399/402 of the Indian Penal Code, Sections 25(1-b)a/26/35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the informant police personnel, is that while on patrolling duty they got secret information that some persons have assembled in a house and are planning to commit dacoity, the police conducted a raid and apprehended co-accused Kundan Kumar, who revealed the name of the petitioner and other associates. On search, from the said house, country-made pistol, one live cartridge and two



bottles of Indian made foreign liquor, one empty and another containing 375 ml was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, not apprehended at the spot and nothing has been recovered from his conscious possession. The confessional statement of the co-accused before the police has no evidentiary value in the eye of law and that charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses. He further submits that the apprehended co-accused has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 41595 of 2018 vide order dated 12.07.2018.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and 6 more cases, some under same offence and also under serious offences, are pending against him.

Considering the nature of allegations and the materials on record as well as that charge-sheet has already been submitted and the apprehended co-accused has already been granted the privilege of bail, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-6th, Saran at Chapra, in connection with Garkha P.S. Case No. 500 of 2017, subject to the following conditions :

1. 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.
2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
3. 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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