

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16408 of 2019

Arising Out of PS. Case No.-36 Year-2016 Thana- HABIBPUR District- Bhagalpur

MD. AYAGE @ NARA, aged about 26 years, Male, Son of Imtiyaz, R/o
Mohalla- Ganichak, P.S.- Mojahidpur, District- Bhagalpur

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Amrendra Kumar Jha, Adv.

For the Opposite Party : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 27-03-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 27.07.2018 in connection with S. Tr. No. 894 of 2018 arising out of Habibpur P.S. Case No. 36 of 2016 (G.R. No. 1873 of 2016) for the offence alleged under Section 302/34 of the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that some unknown miscreants, 2-4 in number, fired at his brother, Md. Heru, while he was talking to the wife of Md. Rookhsan and fled away. The informant's brother died while being taken to the hospital.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the first information report and has been made accused only on suspicion and on the confessional statement of co-accused, Md. Imram, who has



already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 5953 of 2018, dated 02.02.2018. He has been implicated because of his criminal antecedent. Petitioner, further, undertakes to cooperate in the trial on day-to-day basis.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and six more cases are pending against him although under different offence.

Considering the nature of allegations and the period of custody as well as the fact that other accused has been granted the privilege of bail, 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 S. Tr. No. 894 of 2018 arising out of Habibpur P.S. Case No. 36 of 2016 (G.R. No. 1873 of 2016) to the satisfaction of the learned Additional District & Sessions Judge VII, Bhagalpur, 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) 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.

(Nilu Agrawal, J)

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