

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21871 of 2019

Arising Out of PS. Case No.-685 Year-2018 Thana- BUXAR District- Buxar

SARFARAZ HUSSAIN @ SONU, aged about 37 years (M), Son of Ahmad Hussain Resident of Village-Hanuman Fatak Buxar, P.S.-Buxar (T), District-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 21.01.2019 in connection with Buxar(T) P.S.Case No.685 of 2018 for the offence alleged under Sections 461, 379 and 411 of the Indian Penal Code.

The prosecution case as lodged by the informant is that he owns a mobile and accessories shop, namely, Siya Enterprises. He received information that in the preceding night, the shutter of his shop has been broken. On arriving at the place of occurrence, the informant saw large number of mobiles, lap tops, blue tooth worth Rs.8,11,376/- having been 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 the aforesaid case. He submits that the confessional statement of the petitioner before the police has no evidentiary value in the eye of law and that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody and that chargesheet has already been submitted as well as coupled with the statement that the petitioner does not bear a criminal antecedent as stated in para-3 of the present application, 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 Buxar(T) P.S.Case No.685 of 2018 to the satisfaction of learned Chief Judicial Magistrate Buxar, 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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