

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78487 of 2018

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

Nazrul Islam @ Nazrul son of Md Alam Resident of village Rinkua P.S.
Islampur, district Uttar Dinazpur W.B

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.
For the Respondent/s : Mr.Sri Satyavarat Verma (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 15-01-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Pothia P.S. Case No. 54 of 2017 registered for the offences punishable under Sections 379, 414, 34 of the Indian Penal Code and Section 25(1-B)a, 26, 35 of the Arms Act.

Allegation is recovery of one country made pistol from the waist of Subhash Yadav driver of the truck and 28 bundles of stolen high tension Aluminum electric wire kept on the truck.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. Petitioner was not apprehended



on the spot but his name has come on the basis of confessional statement made by Subhash Yadav and Mithun, who were apprehended along with stolen articles and arms. Nothing was recovered from possession of the petitioner. He is in custody since 18.12.2017.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with Pothia P.S. Case No. 54 of 2017, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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