

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24004 of 2019**

Arising Out of PS. Case No.-707 Year-2018 Thana- SIWAN CITY District- Siwan

MD. TAUFIQUE @ TAUFIQUE Son of Asefake Alam, Resident of Abbas Colony Sheikh Mohalla, P.S-Siwan Town, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai

For the Opposite Party/s : Mr.Arvind Kumar Pandey, App

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 17-04-2019 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in judicial custody since 11.12.2018 in connection with Siwan Town P.S. Case No. 707 of 2018 for offences punishable under Sections 382, 411/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was coming home after appearing in the railway exam 3-4 miscreants showing pistol and knife took his mobile and Rs 1,000/- cash. On chase two persons were apprehended, who revealed the name of the petitioner as their associate. On search from the possession of apprehended co-accused mobile and cash of Rs. 1,000/- with knives were recovered. Accordingly, a



seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, was not apprehended on the spot and the confessional statement of co-accused before the police has no evidentiary value in the eye of law. He submits that nothing has been recovered from the possession of the petitioner, charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses and petitioner is languishing in judicial custody for more than four months.

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

Considering the nature of allegations and charge-sheet has already been submitted coupled with the fact that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of this application, 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 Chief Judicial Magistrate, Siwan, in connection with Siwan Town P.S. Case No. 707 of 2018, subject to the condition that 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.

(Nilu Agrawal, J)

Rajesh/-

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