IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25770 of 2019

Arising Out of PS. Case No.-151 Year-2018 Thana- AMAS District- Gaya

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RAJA QURAISHI @ SARFARAZ QURAISHI, Male, aged about 22 years, Son of Shaukat Quraishi, Resident of Village- Meerpur, Police Station- Hanterganj, District- Chatra (Jharkhand) ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :
For the Petitioner : Mr. Javed Aslam, Adv.
For the Opposite Party : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 30-04-2019 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since 21.12.2018 in connection with Amas P.S. Case No. 151 of 2018 for the offence alleged under Section 392 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his pick-up van, along with cash of Rs.9,500/-, has been snatched by some miscreants.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the first information report, his name surfaced on the confessional statement of the co-accused, Sanjay Kumar Sinha, as well as his own confessional statement before the police, which has no evidentiary value in the eye of law. He, further, submits that

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one of the co-accused, whose name also surfaced during investigation has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 27226 of 2019, dated 25.04.2019. He submits that no test identification parade has been done nor anything recovered from the conscious possession of the petitioner.

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 two more cases of similar nature are pending against the petitioner, which the petitioner submits that in both the cases he is on bail.

Considering the nature of allegations, the materials on record, the period of custody and that other co-accused has already 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 Amas P.S. Case No. 151 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati, Gaya, or the successor Court, 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

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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.

(iii) 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)

Shamshad/-

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