

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31470 of 2019

Arising Out of PS. Case No.-394 Year-2018 Thana- JOKIHAT District- Araria

Masood, aged about 32 years, Male, Son of Rafeek, Resident of Village -
Matiyari, P.S.- Jokihat, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha, Advocate

For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-08-2019 Heard learned counsel for the petitioner. Nobody
appears on behalf of the State.

The petitioner seeks bail in connection with Jokihat
P.S. Case No. 394 of 2018 (G.R. No. 3981 of 2018) registered
for the offences under Sections 307/34 of the Indian Penal Code
and Sections 25 (1-b) a/26/35 of the Arms Act.

The prosecution case in brief is that one Pradeep
Kumar, ASI (informant) of Jokihat alleged stated that on the
alleged date of occurrence on 20.12.2018 at 3.20 A.M., all the
three accused persons have committed robbery of the C.S.P.,
Bank holder. After occurrence, they are fled away towards
Jokihat and further allegedly stated that police after receiving
direction of superior officer, he made a barikating checking at
HARWA CHOWK with other police party in that time at 3.25



A.M. three persons ridding on a white colour Apachhe motorcycle were coming the police party chase them but the persons ridding on motorcycle turned the motorcycle toward Araria but the police party chase them and they also in that time the criminal has been fired the arm but not fire and one criminal namely Sadakat fled away two persons caught by police and arrest persons namely Masood after search one fire arm loaded pistol and cash 40,000/- rupees, mobile SIM, Adhar Card, T.V.S. Apachhe motorcycle alleged to have recovered from him and from the possession another criminal Nayeem recovered one Air gun and cash 36,500 rupees and others paper of bank. It is further alleged that both criminal has been confessed the offence and also both criminals arrested and on the basis that the case under reference has been instituted and lodged against the petitioner and others.

Learned counsel for the petitioner has submitted that the petitioner is in jail custody since 21.12.2018 and charge sheet has been submitted. There is no allegation against this petitioner.

In the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 394 of 2018 (G.R. No. 3981 of 2018), subject to the following conditions :

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The 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.

(3) 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.

(Anjani Kumar Sharan, J)

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