

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41419 of 2019

Arising Out of PS. Case No.-425 Year-2017 Thana- SITAMARHI District- Sitamarhi

MD. NASIM @ MD. BASIM S/o Md. Hasim R/o village- Bholahi, P.S.-
Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 16-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 457 and 380 of the Indian Penal Code, registered in connection with Sitamarhi P.S.Case No. 425 of 2017.

3. It is submitted that the petitioner has been falsely implicated in connection with the theft in the house of the informant on mere suspicion and except the confessional statement of co-accused Md. Israil, there is no objective material to connect the petitioner with the alleged offence. No incriminating article has been recovered from his conscious possession, rather two mobile phones have been recovered from co-accused Md. Israil and Md. Gulam Mansuri respectively.



The petitioner claims clean antecedents.

4. Learned APP appears and has been heard.

5. Be that as it may, in the event of petitioner's arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioner 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 learned Chief Judicial Magistrate, Sitamarhi in with Sitamarhi P.S.Case No. 425 of 2017, subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his



bail bond shall be liable to be cancelled by the learned Court
concerned.

(Vikash Jain, J)

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