

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41380 of 2019

Arising Out of PS. Case No.-285 Year-2018 Thana- DEEPNAGAR District- Nalanda

MD. ASHIQ @ MD. AASIF, Male, aged about 28 years, Son of Late Afjal Kuraishi, Resident of Mohalla- Fulwari Sharif Kachahari Muhalla, Police Station- Fulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Adv.
For the Opposite Party/s : Mr.Pushpa Sinha(APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 27-09-2019 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Deepnagar P.S. Case No. 285 of 2018 registered for the offences punishable under Sections 379 and 461 of the Indian Penal Code.

Informant has alleged in his written complaint dated 13.08.2018 that work of maintenance of A.T.M. machine has been awarded to Hitachi Payment Services Private Ltd. for all over the country. In the night of 11/12.08.2018 the A.T.M. was detected and taken away by some unknown miscreants.

It has been submitted on behalf of the petitioner



that he is innocent. Nothing has been recovered from the possession of petitioner and he has been implicated in this case on basis of his confessional statement. The A.T.M. was recovered on 13.08.2018. Petitioner has been remanded in this case from Laheri P.S. Case No. 226 of 2018. Petitioner has been made accused in this case only on basis of suspicion and except suspicion there is no any other incriminating material against him. Similarly placed co-accused has been granted bail vide order dated 06.05.2019 passed in Cr. Misc. No. 29088 of 2019 by another co-ordinate bench of this court. Petitioner is in custody since 21.01.2019

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, Nalanda at Biharsharif, in connection with Deepnagar P.S. Case No. 285 of 2018, 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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