

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43390 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- RAMGARHWA District- East Champaran

GUL MAHAMAD @ GUL MOHAMMAD S/o- Hadish Rai Resident of
Village- Mohani Mandal (Madol), P. S. - Supi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 30-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 29.01.2019 in connection with Ramgarhwa P.S. Case No. 25/2019 registered for the offence punishable under Sections 363/365 of the Indian Penal Code.

Learned counsel for the petitioner submits that the name of the petitioner has surfaced in the confessional statement made before the police by co-accused Paramjit Mahto, Rinku Devi and Guddu Kumar which has no evidentiary value. It is further submitted that the co-accused person who has been specifically named in the statement made before the Magistrate under Section 164 Cr.P.C. by the victim boy, namely, Guddu Sah has since been granted bail vide order dated 07.05.2019 passed in Cr. Misc. No. 29778 of 2019. It is further submitted that the



present petitioner Gul Mahamad @ Gul Mohammad has not been named in the statement made by the victim boy under Section 164 Cr. P.C.

Having considered the entire facts and circumstances of the case and that the petitioner is having one other criminal antecedent under the Arms Act in which he has already been extended the privilege of bail, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judicial Magistrate, Raxaul at Motihari, East Champaran, in connection with Ramgarhwa P.S. Case No. 25/2019, subject of the following conditions:-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) 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 reasons,



his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) 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.

(Anjana Mishra, J)

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