

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24517 of 2018

Arising Out of PS. Case No.-297 Year-2017 Thana- LAHERIMUHALLA District- Nalanda

MD. FAIYAZ @ JHOJHA @ JHAJHA, S/o Md. Riyaz, R/o Mohalla- Nagar
Thaibai, P.S.- Bihar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 07-01-2019 Heard learned counsels for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 17.07.2017 in a case registered for the offences punishable under Sections 399,402 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case got initiated on the self-statement of A.S.I., Santosh Kumar submitted to the S.H.O., Laheri Police Station to the effect that on a secret information that 6-7 miscreants are planning to commit robbery, whereupon, a raid was led and two persons were apprehended on the spot, who disclosed their names as Md. Faiayz, the petitioner and the co-accused Md. Akbar. From the each apprehended accused one country made pistol and live cartridges were recovered.



It is submitted by learned counsel for the petitioner that similarly situated co-accused, Md. Akbar @ Akbar has been granted bail by a co-ordinate Bench of this Court vide order dated 27.04.2018, passed in Criminal Miscellaneous No. 19107 of 2018. Though a statement has been made in paragraph no.3 of the petition that the petitioner is accused in 11 cases, but in most of the cases, the petitioner is not named in the FIR and he is on bail. Moreover, the co-accused Md. Akbar who has been granted bail has also criminal antecedent.

Learned APP for the State after going through the case diary submits that the petitioner was apprehended on spot and has criminal antecedent.

Considering the fact that similarly situated co-accused Md. Akbar has been granted bail, 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 3rd ADJ, Biharsharif, Nalanda, in connection with Laheri P.S. Case No. 297 of 2017.

It is made clear that one of the bailors must be a close family member of the petitioner and since the petitioner has serious criminal antecedent, the learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults



for two consecutive occasions or gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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