

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66516 of 2019**

Arising Out of PS. Case No.-17 Year-2018 Thana- JOGBANI District- Araria

=====  
KANCHHA @ ISLAM @ ISLAM @ KANDA, aged about 30 years, Male,  
Son of Late Tahir Resident of Village-Haziganj, Ward No.03, P.S.-Jogbani,  
District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====  
**Appearance :**

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Shaheen Begum

=====  
**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**

ORAL ORDER

2      04-11-2019                      Heard learned counsel appearing for the petitioner as  
well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the  
offences punishable under Section 392 of the Indian Penal  
Code.

Petitioner is not named in the first information  
report and the impugned order of learned Additional Sessions  
Judge V, Araria, does not show as to how the name of petitioner  
came in this case.

However, learned counsel appearing for petitioner  
submits that the petitioner was made accused on mere suspicion  
and as a matter of fact, nothing was recovered from conscious  
possession of the petitioner nor any witness claimed to have  
seen the petitioner committing the alleged crime. He, further,



submits that having more or less similar allegation, several co-accused have already been granted privilege of bail, which has been averred at paragraph 13 of the petition. He also points out that petitioner does not have any criminal antecedents and is languishing in jail custody since 26.3.2019 but up till now he has not been put on test identification parade.

Considering the aforesaid facts and circumstances as well as submissions of the parties, 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 learned Additional Chief Judicial Magistrate 1, Araria, in connection with Jogbani P.S. Case No. 17/2018.

However, the learned Additional Sessions Judge V, Araria, is advised to be more cautious while writing the bail orders.

**(Hemant Kumar Srivastava, J)**

Spd/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

