

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73298 of 2019

Arising Out of PS. Case No.-189 Year-2013 Thana- KESARIA District- East Champaran

MD. SAMSHAD @ SAMSHAD ALAM @Samad Alam @ REYAN @
RAJA S/o Aash Mohammad R/o village- Madhopur Susta, P.S.- Maniyari,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is in custody on his remand since
15.01.2019 in connection with Kesariya P.S. Case No. 189 of
2013 registered for the offence punishable under Sections
328/395 of the Indian Penal Code.

Learned counsel for the petitioner submits that
though not named in the FIR, his name surfaced in the
confessional statement made before the police by one Ripu
Srivastava. However, nothing has been recovered from his
conscious possession nor has he been placed on T.I. Parade.
Learned counsel for the petitioner further submits that so far as
the antecedents are concerned, the petitioner has been remanded



in several cases, but in neither of the case he is a named accused. It is next submitted that the petitioner will be present as and when required and other similarly situated co-accused persons (Mantu Kumar and Manoj Kumar) have since been extended the privilege of bail of bail in Cr. Misc. No. 27757 of 2014 vide order dated 16.12.2014.

In view of the aforementioned facts and circumstances, 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 2nd Addl. Sessions Judge, East Champaran, Motihari, in connection with Kesariya P.S. Case No. 189 of 2013, subject to 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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