

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75114 of 2018

Arising Out of PS. Case No.-73 Year-2018 Thana- BAUSI District- Araria

MD. IMTIYAZ @ IMTIYAZ

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh
For the Opposite Party/s : Mr.Sri Dilip Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-01-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

The petitioner is languishing in judicial custody since 28.07.2018 in connection with Bausi P.S.Case No.73 of 2018 for the offence alleged under Sections 457, 380, 382 and 307/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that the brother of the informant runs a grocery shop from his house and sleep in the shop. In the morning, he was found in an injured condition and the lock of the grocery shop was found broken and two mobile phones, changes of Rs.1000/- to 1500/- and other documents were stolen.

It has been submitted by the learned counsel for the petitioner that he is innocent not named in the FIR and has



falsely been implicated in this case only on the basis of his confessional statement and confessional statement of co-accused before the police which is no evidentiary value in the eye of law. He submits that the change of Rs.254/- found in the house of the petitioner could not be attributable to have been stolen money and the mobile alleged to have been sold by the petitioner to Sanjay Kumar Singh is also only on the basis of suspicion. He further submits that there is no injury report alleged in the FIR and that chargesheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Bausi P.S.Case No.73 of 2018/GR No.2169 of 2018 to the satisfaction of Sri Mithilesh Kumar, Sub Judge-VII-cum-ACJM-VI, Araria subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file



an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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