

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27926 of 2020

Arising Out of PS. Case No.-350 Year-2014 Thana- BALIYA District- Begusarai

MD. NAUSHAD Son of Late Md. Bali Resident of Village-Lakhminiya, P. S.
- Ballia, District -Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Ms. Anita Kumari, learned APP, is appearing as it is submitted that the brief has been allotted to her by the office of Advocate General. Her name may also be printed in the cause list.

Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is expected to honor his



undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Ballia P.S. Case no. 350 of 2014 instituted for the offence under Sections 395 and 109 of the Indian Penal Code.

The prosecution case is that unidentified miscreants have overtaken the truck and looted the same.

It is submitted by the petitioner's counsel that even as per the prosecution case, petitioner is not named in the F.I.R. Implication is based on extraneous consideration and due to his criminal antecedents, based on Ballia P.S. Case No. 196 of 2018. The petitioner has not been put on T.I.P. and other than the confessional statement of co-accused, there is nothing on record to even suggest petitioner's involvement in the instant case.

The petitioner is in custody since 16.01.2020.

The learned APP has opposed the prayer for bail.

Considering the aforesaid, 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 the C.J.M. Khagaria, in connection with Ballia P.S. Case no. 350 of 2014, G.R. No. 4366 of 2014



subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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