

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30359 of 2020

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

Irshaduzzama @ Anna @ Irshadu Jamma, Son of Md. Shamsadu Jamma @
Md. Shamshadujjam @ Md. Shamshadu Jjama @ Shamsadula, Resident of
Village- Lakhminia, Ward No.17, P.S.-Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-11-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Mr. Sanjay Kumar Sharma, learned APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

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

The petitioner seeks bail in connection with Ballia



P.S. Case No.350 of 2014 (G.R. No.4366/2014) registered for the offence punishable under Section 395/109 of the Indian Penal Code.

The prosecution case is that the informant's truck was intercepted by some persons. Name of one co-accused Lalu Yadav has been mentioned in the F.I.R. The truck bearing potato seeds is said to have been taken away after administering and injecting intoxicant to the informant and other passengers in the truck.

Petitioner's counsel submits that the F.I.R. is of the year 2014. The petitioner's implication is merely on the basis of suspicion. His confessional statement was recorded on 30.11.2014 which finds mentioned in paragraph 71 of the case diary and thereafter he was released by the police. The petitioner has been remanded in this case after a lapse of six years and till date, he has not been put on T.I. Parade. He is in custody since 11.05.2020, on which date he was remanded in this case after his arrest in Dagarua P.S. Case No.97 of 2019.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.



Accordingly, 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 learned Chief Judicial Magistrate, Begusarai, in connection with Ballia P.S. Case No.350 of 2014 (G.R. No.4366/2014), 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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