

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18715 of 2021**

Arising Out of PS. Case No.-123 Year-2005 Thana- SONO District- Jamui

LUKMAN MIYA @ LUKMAN ANSARI LATE BECHAN MIYAN R/O
VILLAGE- BARIYARPUR, SONO, DIST.- JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 20-12-2021 Heard Sri Pankaj Kumar Sinha, learned counsel for
the petitioner and Mr. Ajit Kumar, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The supplementary affidavit filed on behalf of
petitioner be kept on record.

The petitioner, who is in custody since 17.12.2020,
seeks bail in connection with Sono (Charkapathar) P.S. Case No.
123 of 2005, corresponding to Sessions Trial No. 182 of 2013,
registered under Section 395 of the Indian Penal Code.

The prosecution case, in brief, is that four dacoits
armed with weapon forcibly looted Rs. 31000/-. One dacoit,
namely, Vishnu Manjhi, was apprehended by the villagers, who
named his other accomplices, namely, Gyas Miya, Siraj Miya,
Lukman Miya and Allaudin Miya of village-Bariayarpur,



Nayadih, P.S. Charkhapathar, Sono, District-Jamui and they were also identified by Dalo Manjhi

Learned counsel appearing on behalf of the petitioner submits that the similarly situated co-accused, namely, Alluddin Miyan and Seraj Ansari @ Seraj Mian have already been released on bail by the learned Court below vide order dated 25.02.2013 passed in B.A. No. 95 of 2013 and 14.03.2013 passed in B.A. No. 123 of 2013. He further submits that taking into consideration the period of custody, the petitioner is in custody since 17.12.2020 may be directed to be released on bail.

Learned A.P.P. for the State has opposed the prayer for bail with submission that manager of the brick-kiln had identified the petitioner and other co-accused, who was apprehended after taking into grip by the villagers and as such the petitioner does not deserve to be released on bail.

Having heard the rival submissions, the petitioner has made out of a case of parity as similarly situated co-accused, against whom similar allegation has been made, has released on bail by the Court below, itself, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned F.T.C.-II, Jamui in



connection with Sono (Charkapathar) P.S. Case No. 123 of 2005
(S.T. No. 182A of 2013) subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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