

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Cr.Misc. No.35286 of 2009  
DOMI MIAN SON OF JUMARATI MIAN  
Versus  
STATE OF BIHAR  
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3. 30.11.2009 Heard learned Counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offence under Section 396 of the Indian Penal Code.

Taking into consideration the fact that the petitioner is not named in the first information report nor has been put on test identification parade and there is no recovery from his possession but has been made an accused in this case on the basis of the confessional statement of co-accused Md. Jabbar in three cases including the present one, let the petitioner above named, who is in custody since 20.1.2009, be released on bail on furnishing bail bond of Rs.5,000/- (Five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, F.T.C.2, Madhepura in connection with Sessions Trial No.141(A) of 2009 arising out of Bihariganj P.S.case No.70 of 2006, subject to the conditions (i) that one of the bailors will be a close relative of the petitioner who will give an affidavit genealogy as to how he is related with the petitioner, (ii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse, (iii) that the petitioner will give an undertaking that he will

receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse and (iv) that the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

**( Anjana Prakash, J. )**

Narendra/

