

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56064 of 2015

Arising Out of PS.Case No. -35 Year- 2015 Thana -AURAI District- MUZAFFARPUR

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Md. Kalam S/o late Nasir Ali R/o Village Aurai, P.s Aurai, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishal Saurabh

For the Opposite Party/s : Mr. Rajiv Nayan(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

03 10-02-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Aurai P.S. Case No. 35 of 2015 registered for the offences punishable under Sections 365, 302, 201/34 of the Indian Penal Code.

Allegedly, Mushir Ahmad, the son-in-law of the informant was taken away by co-accused Shahbuddin on motorcycle for showing the land but he did not return and later on his dead body was recovered. It is alleged that co-accused Md. Kalam has taken some loan from the deceased and after hatching up conspiracy, all the F.I.R. named accused persons killed him.

Submission is of false implication and that there is no eye witness of the occurrence, no one has seen the deceased in the company of the petitioner and without any legal or cogent material, chargesheet has been submitted and petitioner is suffering in custody since 12.03.2015. Other co-accused Md.

Shahabuddin has been allowed bail vide Cri. Misc. No. 1260 of 2016 and Md. Nezamuddin, Md. Anzar and Md. Pyare have also been allowed bail vide Cri. Misc. No. 31628/15 and 32765/15 and, as such, the petitioner also deserves sympathetic consideration.

The learned A.P.P. is not in a position to distinguish the case of the petitioner.

In the facts and circumstances stated above, the petitioner, above named, is also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Aurai P.S. Case No. 35 of 2015 corresponding to G.R. No. 1070/15 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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