

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31873 of 2016

Arising Out of PS.Case No. -405 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Seikh Kalimullah Son of late Seikh Tajamul Resident of Village-
Adhkaparia, PS Ramgarhwa, District East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Vijay Shankar Srivastava, Advocate
For the Opposite Party : Mr. Anshu Dhar Sharma, Advocate
Fro the State : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 07-09-2016 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner who is in custody since 06.06.2015

has renewed his prayer for bail in connection with Sessions Trial
No. 52 of 2016, arising out of Turkaulia P.S. Case No. 405 of 2015,
for the offences alleged under Sections 302 and 120(B) of the
Indian Penal Code, but the charge sheet has been submitted on
27.08.2015 under Sections 302. 120(B) and 34 of the Indian Penal
Code.

3. It is submitted that the petitioner has been falsely
implicated as he is not named in the FIR. In subsequent
development the FIR named accused Ajay Yadav has been granted
bail by this Court in Cr. Misc. No. 12946 of 2016 and the petitioner's

case stands on a better footing. The informant himself in his deposition before the Court dated 17.05.2016 has clearly stated that the other co-accused persons namely, Sk. Amrullah, Sk. Mojibullah and Sk. Ainullah, are responsible for the commission of the offences by reason of land dispute. In cross examination the deponent has specifically stated that he had no suspicion with regard to the petitioner's involvement in the offence.

4. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned 6th Additional Sessions Judge, Motihari, East Champaran in connection with Sessions Trial No. 52 of 2016 arising out of Turkaulia P.S. Case No. 405 of 2015 on the following conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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