

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15585 of 2017

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Md. Khalid Son of Md. Naseem, Resident of Mohalla- Federal Colony,
Ishopur, P.S.- Phulwari Sharif, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Rashid Zafar, Advocate
For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 17-05-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State. None appears on behalf of the

informant although vakalatnama has been filed.

Petitioner is languishing in jail custody since
24.08.2016 in connection with Sessions Trial No. 847 of 2016
arising out of Phulwari Sharif P.S. Case No. 371 of 2016, G.R.
No. 4218 of 2016 registered for the offences punishable under
Sections 302/34 and 120(B) of the Indian Penal Code and Section
27 of the Arms Act.

Earlier, the bail application of the petitioner was
rejected in Cr. Misc. No. 45241 of 2016 on 26.11.2016.

As per written report, father of the informant has been
shot dead by some persons and while taking him to hospital, he



succumbed to the injuries. Informant alleged that his father was not in good terms with one Manoj Kumar and it is suspected that his father was killed by the said Manoj Kumar.

It has been submitted by the counsel for the petitioner that he is not named in the First Information Report and his name surfaced on the confessional statement of the said Manoj Kumar recorded in paragraph 27 of the case diary. Other witnesses, who are not eye-witnesses, have not seen the occurrence and it is only on the basis of suspicion that the petitioner has been made accused. He further submits that no Test Identification Parade has been done so far for identification of the petitioner by Dilip Paswan and Munshi Kumar, driver and khalasi of the truck respectively, who claimed to be the eye-witnesses of the occurrence. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that co-accused Md. Naushad @ Sonu, who was named by one of the witnesses along with the petitioner, has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Miss. No. 46424 of 2016 on 20.02.2017. It is further submitted that the main accused Manoj Kumar has also been granted the privilege of bail today itself by a Co-ordinate Bench of this Court in Cr. Misc. No. 18284 of 2017.



However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-X, Patna in connection with Sessions Trial No. 847 of 2016 arising out of Phulwari Sharif P.S. Case No. 371 of 2016, G.R. No. 4218 of 2016, subject to the condition that both the bailors will be close relative of the petitioner and that petitioner will appear before the learned Court below during trial on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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