

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28394 of 2017

Arising Out of PS.Case No. -27 Year- 2017 Thana -PHULWARI District- PATNA

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Zahid Khan @ Zahid, son of Mantoo @ Md. Mantoo, resident of Federal Colony, P.S. – Phulwarisharif, Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumar Rajeev, Advocate

Mr. Farooque Afzal, Advocate

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 06-07-2017

Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Phulwarisharif P.S. Case No. 27/2017 registered for the offence punishable under Sections 302, 120B/34 of the Indian Penal Code.

Learned counsel for the petitioner placed the First Information Report and submitted that the allegation against the petitioner is that of doing an act of spy (Mukhbiri). The petitioner is not named among the accused whose names have been identified by the informant in commission of the alleged offence of murder. Learned counsel submits that the name of the petitioner has been implicated in the present case only on suspicion



and investigation is already over and as per the impugned order passed by the learned 1st Additional Sessions Judge, Patna, the evidences are said to be in the nature of circumstantial evidence. The petitioner is ready to cooperate in course of trial, therefore the privilege of bail may be granted to the petitioner.

Considering the facts and circumstances that the informant has named as many as eight (8) persons in the F.I.R. who are said to have committed the offence as alleged but the name of this petitioner has only been shown as a Mukhbir (Spy), as also the fact that the petitioner has no criminal antecedent and petitioner is in custody since 16.01.2017.

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

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned A.D.J. – 1ST Patna, in connection with Phulwarisharif P.S. Case No. 27/2017, S.T. No. 345/2017, subject to condition



that petitioner shall cooperate in conclusion of trial. He would be physically present in course of trial as and when required by the trial court and two regular defaults in appearance will invite cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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