

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28338 of 2017

Arising Out of PS.Case No. -36 Year- 2017 Thana -SIDHWALIA District- GOPALGANJ

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Md. Azad, son of Nabi Mian, Resident of Village- Sareya Balara, Police Station- Sidhwalia, District- Gopalganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Lokesh Kumar Singh, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 10-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 04.04.2017 in connection with Sidhwalia P.S. Case No. 36 of 2017 for the offences alleged under Sections 302, 201/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated as the F.I.R. is against unknown person. The petitioner's name has transpired in the extrajudicial confession of co-accused Amit Das and except this, there is no other material to connect the petitioner with the alleged occurrence. The petitioner is not among the four persons who are said to have been last seen with the deceased. Neither the informant nor any other person is the eye witness to the alleged occurrence. The petitioner claims clean antecedents.

4. Learned APP opposes the bail petition on the basis of case diary. No specific material whatsoever has been pointed out against the petitioner.

5. Be that as it may, 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 Additional Chief Judicial Magistrate-VI, Gopalganj, in connection with Sidhwalia P.S. Case No. 36 of 2017, on the following conditions:-

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

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) 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.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

Md. Ibrarul/BT

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