

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52059 of 2017

Arising Out of PS.Case No. -26 Year- 2017 Thana -ALOU LI District- KHAGARIA

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Md. Sahid S/o Late Md. Idris , R/o Village- Phullkari, P.S.- Virpur, District- Begusarai. Petitioner.

Versus

The State of Bihar Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Abhoy Kumar Kashyap

For the Opposite Party/s : Smt Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

03 22-12-2017 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in Alauli P.S. Case No. 26 of 2017 registered under Section 302, 201 and 120 B of the Indian Penal Code.

As per the prosecution case, the son of the informant used to vend blanket etc. of Md. Matin as a hawker and he was having some dues to Md. Matin but he did not pay the same instead assured to pay in future. Md. Matin along with his three sons including the petitioner took the son of the informant with him on the work and thereafter his son went missing.

It is submitted by learned counsel for the petitioner that the allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has been falsely implicated in this case due to suspicion. He has no concern



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with the aforesaid occurrence. There is no eye witness of the occurrence. The landlord of the house where the victim and accused persons were living has not been examined by the I.O. The charge in the case has already been framed. The petitioner has been languishing in custody since 07.02.2017. Similarly situated co-accused, namely, Md. Amazad has been granted bail by a coordinate Bench of this court in Cr. Misc. No.41709 of 2017 vide order dated 12.10.2017.

On the other hand, learned A.P.P. and learned counsel for the informant submitted that the petitioner along with other accused persons took the son of the deceased along with them and strangled him to death to avoid payment of dues to him. It is further submitted that out of seven witnesses two private witnesses have already been examined and the trial is going on speedily. It is also submitted that Panchayt has boycotted the petitioner for his aforesaid misdeeds.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Khagaria in connection with Alauli P.S. Case No.26 of 2017 (G.R. No.329/17, S.T. No.219/17), Subject to the conditions that the (1)



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bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and on his absence on two consecutive dates without proper and reasonable reason his bail bond shall automatically stand cancelled (3) if petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prakash Chandra Jaiswal, J)

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