

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29214 of 2017

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

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1. Md. Abid @ Michal son of Md. Salim resident of Alyas Nagar, P.S. Phulwarisharif, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Sr. Adv.
Mr. Kedar Singh, Adv
Mr. Amresh Kumar, Adv.
For the Opposite Party/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since 23.01.2017 in connection with S.T. No. 345 of 2017 arising out of Phulwari Sharif P.S. Case No. 27 of 2017 for offences punishable under Sections 302, 120-B/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant who is posted as Hawaldar at Gaya is that, while he was on duty he received telephonic information that his son had been killed. He reached there and found his son dead and has named the petitioner along with nine others to be involved in the murder of his son.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that no incriminating article has been recovered from his possession and even in the confessional statement, he has not accepted that he has killed his son rather the allegation is upon Md. Arshad. There was previous dispute between the informant and son of the petitioner and the petitioner has no consequence. He has been made accused only on the basis of suspicion as there is no circumstantial evidence against him and charge-sheet has already been submitted hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel for the informant opposes the prayer of bail stating therein, that multiple injuries were found on the deceased.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Addl. Sessions Judge-I, Patna, in connection with S.T. No. 345 of 2017



arising out of Phulwari Sharif P.S. Case No. 27 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required 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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