

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27531 of 2017

Arising Out of PS.Case No. -171 Year- 2009 Thana -KOTWALI District- PATNA

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MD. SHAZAD @ SHAZAD @ SAHZAD S/o Yasseen, Resident of
Village- Sabdalpur Rehra, (Akbarpur) P.S.- Himpur, Dipa, District- Bijnaur
Chandpur (U.P.) at present Raza Bazar, P.S.- Shastrinagar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Mohammad Shabbir Alam

For the Opposite Party/s : Mr. Sri Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioner and the State.

The petitioner is an accused in Kotwali P.S. Case No.
171 of 2009 for the offence under section 379/34 of the Indian
Penal Code.

The petitioner was remanded in this case on
16.3.2017 and the charge-sheet against the petitioner has been
submitted on 30.3.2017. The petitioner is a resident of Uttar
Pradesh and in paragraph-3 there is statement that in some other
cases in Uttar Pradesh and Delhi he has been made accused. In
paragraph-7 there is statement that Sajid Ahmad and Zaffar
Hussain have been granted bail way back on 20.7.2009 vide B.P.
No. 2706/2009. The petitioner claims that he was unaware of the



lodging of the present case and as such he could not surrender earlier. Be that as it may, the petitioner is in custody since 16.3.2017 and another co-accused has already been granted bail and in the instant case charge-sheet has already been submitted. The petitioner was not named in the FIR. His name surfaced on the confessional statement of co-accused, but he was not put on TIP.

In the peculiar facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Patna, in connection with Kotwali P.S. Case No. 171 of 2009 on the condition that father and brother of the petitioner shall be the bailors of the petitioner in this case. Additionally, the petitioner is required to attend the court proceedings without fail. In case, the petitioner fails to appear before the court below without any reasonable justification, the court below would be at liberty to take all coercive steps against the petitioner to ensure presence in this case in the trial. It is made clear that in the event of any attempt to tamper with the evidence or attempt to influence the witnesses or in case of non-cooperation in the conclusion of the trial, the court below would be at liberty to take all steps admissible under the law including



cancellation of bail bond of the petitioner.

With the aforesaid condition, the petitioner is directed to be released on bail by the C.J.M., Patna on the condition as mentioned above.

(Anil Kumar Upadhyay, J)

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