

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77028 of 2018

Arising Out of PS. Case No.-273 Year-2018 Thana- PHULWARISHARIF District- Patna

Md. Munna @ Afroz @ Firoz @ Rehan, Son of Mohan Chaiwala @ Md. Aslam, Resident of Taj Nagar, P.S. Phulwari Sharif, District Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishor Prasad

For the Opposite Party/s : Mr.Sri Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 20-12-2018 Heard learned counsel for the parties.

Petitioner seeks bail in **S.Tr. No. 573 of 2018 arising out of Phulwari Sharif P.S. Case No. 273 of 2018** registered for the offence punishable under Sections 302, 120B/34 of the Indian Penal Code and section 27 of the Arms Act.

Allegation against the petitioner as per FIR is that the son of the informant was running a chicken shop and he used to open the shop in the morning and on 13.04.2018 as usual he came to the house at about 8:30 P.M. some one called on his mobile and he left his house taking his mobile. It is also alleged that next day in the morning his elder son went outside and he heard hulla and came back and informed that some criminals



have committed murder of his brother. The petitioner is not named in the FIR and later on it appears that his name transpired during the course of investigation.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on suspicion. It has been submitted on behalf of the petitioner that the name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Parwez. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of this Court vide order dated 03.12.2018 in Criminal Miscellaneous No. 46282 of 2018. Petitioner has got no criminal antecedent and is in custody since 27.07.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Additional Sessions Judge-VI, Patna**, in connection with **S.Tr. No. 573 of 2018 arising out of Phulwari Sharif P.S. Case No. 273 of 2018** with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without



sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers 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.

(S. Kumar, J)

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