

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22436 of 2018

Arising Out of PS. Case No. -115 Year- 2017 Thana -THAKURGANJ District- KISANGANJ

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Jahangir S/o Kalimuddin, Resident of village- Nayabasti Bhogdabar,
P.S.- Thakurganj, District- Kishanganj

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party: Smt. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 26-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 14.11.2017 in connection with Thakurganj P.S. Case No. 115 of 2017 for the offences alleged under Sections 302 and 201/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion as he is not named in the first information report. There is an inordinate delay of four days in institution of the FIR on 31.10.2017 for the alleged occurrence of 27.10.2017. In his re-statement, the informant has stated that the date of occurrence was 20.10.2017. The main accusation is against the co-accused Md. Sahabuddin @ Sabuddin whose mobile was used for talking the deceased at the relevant time. The petitioner has been apprehended merely because he happened to be sitting nearby the tea shop where Md. Sahabuddin was arrested. The said Md. Sahabuddin @ Sabuddin has been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 15783 of 2018. The petitioner claims clean antecedents.

4. 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 Chief Judicial Magistrate, Kishanganj in connection with Thakurganj P.S. Case No. 115 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)

B.T/Chandran

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