

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26917 of 2018

Arising Out of PS. Case No.-207 Year-2017 Thana- ARARIA District- Araria

Tanvir @ Md. Tanwir, Son of Zakir @ Md. Zakir, Resident of Village-
Sisouna Gaiyari, Ward No. 4, Police Station and District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam

For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 20-06-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved this Court for grant of
bail in Cr. Misc. No. 37804 of 2017 which was rejected vide
order dated 07.11.2017.

Petitioner is languishing in judicial custody since
02.04.2017 in connection with Sessions Trial No. 287 of 2017,
arising out of Araria P.S. Case No. 207 of 2017 for offences
punishable under Sections 302, 201, 34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that his cousin brother was constructing his house for which the
petitioner was appointed as mason but due to defective erection
of wall of the house there was some quarrel and the petitioner



along with others had taken him to purchase bricks but he did not return and his dead body was found near the forest.

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 there is no eye-witness to the alleged occurrence and because of a quarrel of long time back the petitioner has been made accused. Petitioner is ready to cooperate with the trial on day-to-day basis.

However, learned APP for the State 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. District and Sessions Judge IIIrd, Araria, in connection with Sessions Trial No. 287 of 2017, arising out of Araria P.S. Case No. 207 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the



petitioner.

- (ii) 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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