

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11292 of 2018

Arising Out of PS.Case No. -10 Year- 2017 Thana -KATRAHA District- VAISHALI(HAJIPUR)

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Md. Zafar, S/o Md. Usman, Resident of Village- Repura, Police Station-
Lalganj, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
12.07.2017 in connection with Sessions Trial No. 548 of 2017
arising out of Kartaha P.S. Case No. 10 of 2017 for offences
punishable under Sections 394 and 302 of the Indian Penal Code
and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that his son Saroj Kumar Rai who worked in fuel station as a
nozzle man has been killed by some miscreants.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and it is only
on the basis of confessional statement of one Bhim Sahni in



another case bearing Belsar P.S. Case No. 112 of 2017 and of another co-accused Anil Sahni that the name of the petitioner surfaced. He submits that the petitioner has no criminal antecedent but after his name surfaced as an accused in Belsar P.S. Case No. 112 of 2017 that he has been made accused in a number of cases including the present case. He submits that there is no eye witness to the alleged occurrence and even the co-accused Bhim Sahni has filed complaint against the police officials against the third degree treatment meted out to him. He submits that charge-sheet has already been submitted and the petitioner undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the name of the petitioner and four others surfaced on the basis of secret information and that the petitioner does not bear clean antecedent.

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 Additional Sessions Judge-1, Vaishali at Hajipur in connection with Sessions Trial No. 548 of 2017 arising out of Kartaha P.S. Case No. 10 of 2017, subject to the conditions that:



- (1) 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.
- (2) 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.
- (3) Petitioner will co-operate in the investigation and provide all papers necessary during investigation and will not tamper with the evidence.

(Nilu Agrawal, J)

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