IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56671 of 2018

Arising Out of PS. Case No.-81 Year-2018 Thana- KHAJEKALA District- Patna

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Md. Kaish @ Feku son of Navi Hassan @ Abdul Hassan Mian, resident of Pali Colony (Haidari Colony), Police Station- Khajekalan, Town and District- Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Sri Anil Kumar Singh 1 (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 20-12-2018 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Khajekalan P.S. Case No. 81 of 2018 (G.R. No. 1681 of 2018) registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of Arms Act.

Informant who is widow of deceased has alleged that petitioner along with F.I.R. named accused persons killed her husband.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. The name of petitioner has transpired in the present case merely on the basis of suspicion, except suspicion there is no other material against petitioner.

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There is no eye-witness of the occurrence. Petitioner is in custody since 15.04.2018. Similarly placed co-accused have been granted bail by co-ordinate bench of this court passed in Cr. Misc. No. 51530 of 2018 and Cr. Misc. No. 66646 of 2018 vide order dated 01.11.2018 and 19.11.2018 receptively.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna City, in connection with Khajekalan P.S. Case No. 81 of 2018 (G.R. No. 1681 of 2018), subject to 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 Court and his absence on two consecutive dates without sufficient reasons, 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)

Rajiv/-

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