

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1787 of 2018

Arising Out of PS.Case No. -82 Year- 2014 Thana -SAMASTIPUR District- SAMASTIPUR

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Md. Shami @ Pyare, Son of Late Shafi Ahmad @ Abdul Rahman, resident of Mohalla- Railway Gandak Colony, Quarter No. 553C, Samastipur, P.S. Samastipur Town, District- Samastipur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. S.N.P. Sinha, Sr. Advocate.
Ms. Rashmi Bharti, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 12-01-2018 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 13.11.2017 in connection with Samastipur Town P.S. Case No. 82 of 2014 for the offences alleged under Sections 302/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated and in any event the result of the trial can well be predicted in view of the judgment dated 23.11.2017 passed in Sessions Trial No. 318 of 2014 in which co-accused Farida Farhan, Nusahat Afsana and Rifat Afsana have been acquitted after trial, in which the informant who has been examined as P.W. 5 has been declared hostile. It is submitted that the petitioner could not participate in the trial as the petitioner had gone outside to earn his livelihood.

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, Samastipur, in connection with Samastipur Town P.S. Case No. 82 of 2014, 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)

Md. Ibrarul/-

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