

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11642 of 2018

Arising Out of PS.Case No. -693 Year- 2016 Thana -SIWAN CITY District- SIWAN

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Md. Adil, S/o- Nazim Rafique, Resident of Village- Balahan, P.S.- Barouli,
District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 08-03-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has been in custody since 12.12.2017 in connection with Siwan Town P.S. Case No. 693 of 2016 for the offence registered under Sections 302, 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that only on the basis of mis-conception that the petitioner's name is Md. Adil @ Sonu, the petitioner is being prosecuted in connection with the present case. It is further submitted that the petitioner is not named in the first information report, but during the course of investigation, the name of one Sonu, S/o, Md. Zakir Miya came on the scene and his name is also there in the first information report, but so far as this petitioner is concerned, he has no



connection with Sonu or Md. Zakir and he is the son of Nazim Rafique resident of village Balahan, P.S. Barouli and Distirct – Gopalganj. He, thus, submits that the prosecution case is wholly uncalled for and the petitioner may be extended the privilege of bail

Having heard learned counsel for the petitioner and learned counsel for the State and also after considering the certificate form the Bihar School Examination Board (Annexur-5) and the Voter I.D. Card, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in connection with Siwan Town P.S. Case No. 693 of 2016, subject to the following conditions:-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date



during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(4) The petitioner shall co-operate 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.

(Anjana Mishra, J)

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