

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14204 of 2018

Arising Out of PS. Case No.-229 Year-2016 Thana- BIRPUR District- Supaul

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Firoj Alam Son of Fajlu @ Fajalu Resident of Village- Chilmiliya, Ward No. 14, P.S. Birpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-03-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

This is the second round of litigation. Earlier the prayer for bail of the petitioner was rejected vide order dated 21.06.2017 passed in Cr. Misc. No. 21337 of 2017. Petitioner is languishing in judicial custody since 08.02.2017 in connection with Birpur P.S. Case No. 229 of 2016 registered for the offence punishable under Section 302 and other allied sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his eight year old son, Taushif Anwar went to the house of one Najmul on 12.09.2016, but did not return. After five days, dead body of his son was recovered from a field.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the First Information Report and because of personnel enmity, his name surfaced. He submits that there is no eye-witness to the alleged occurrence and that the confessional statement of a co-accused and his own confessional statement before the police has no evidentiary value in the eye of law. He undertakes to cooperate in the trial on day to day basis.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Birpur, Supaul in connection with Birpur P.S. Case No. 229 of 2016, subject to the conditions that:

(1) Both the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating their relationship with the petitioner.

(2) The petitioner will appear before



the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

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