

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10876 of 2019

Arising Out of PS. Case No.-418 Year-2018 Thana- MADHUBANI TOWN District-
Madhubani

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MD. SABIR @ MD. SAVIR HUSEN, aged about 59 years, (M) Son of Late
Md. Ekbal Resident of Village - Santu Nagar Ward no.2, P.s.- Madhubani,
Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha
For the Opposite Party/s : Mr.Jagdhari Prasad

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 03-04-2019 Heard learned counsel for the parties.

Petitioner, who is in custody, seeks bail registered for
the offences punishable under Sections 364, 302 and 201 of the
Indian Penal Code.

Informant has alleged in his written complaint that
he and his deceased brother used to live in the temple premises
and earn his livelihood by plying tempo. It has been further
alleged that the local residence people having dispute with the
FIR named accused who want to grab the temple land and for
which cases were filed in different courts. It has been further
alleged that his deceased brother used to protest against the land
grabbing of FIR named accused and on date of occurrence they



drag his deceased brother and took him with them and subsequently he received a phone from police officer that his dead body has been found near a canal.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on the basis of statement made by some witnesses during investigation. He is not named in FIR and has nothing to do with the temple property. Nothing has been recovered from his possession. Petitioner has got no criminal antecedent and is in custody since 19.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Madhubani P.S. Case No. 418 of 2018** with following condition:-

(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 the Court and his



absence on two consecutive dates without sufficient reason, 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)

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