

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1366 of 2019**

Arising Out of PS. Case No.-254 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

MD. AMIR KHAN @ MD. AMIR sonofMd.Jahangeer R/o vill.Ganichak
Badre Alampur @ Bahadurpur,P.S. Mojahidpur, Dist.Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER**

3 28-03-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned APP for the State.

The petitioner seeks bail in Bhagalpur Kotwali
Tilkamanjhi P. S. Case No. 254 of 2018 instituted for the
offence under Section(s) 302, 120B/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that
petitioner is not named in the written report. The name of this
petitioner has come during investigation in the confessional
statement of co-accused Md. Sheru and Nazal.

Learned counsel for the informant and State have
opposed the prayer for bail. They have stated that bail of Md.
Asif @ Lal @ Md. Asif Lal has already been rejected by co-



ordinate Bench of this Court vide order dated 15.2.2019 passed in Cr. Misc. no. 79576 of 2018.

Learned counsel for petitioner submits that co-accused Abhishek Kumar @ Abhishek Soni and Rinku Singh @ Raj Kumari Singh have already been granted bail by Co-ordinate Bench as well as by this Hon'ble High Court vide orders passed in Cr. Misc. nos. 47566 of 2018 and 55376 of 2018 respectively.

In the written report, it is alleged that son of the informant was shot dead. The informant has raised suspicion in the last portion of the F.I.R. against Abhishek Kumar of committing murder of his son to misappropriate Rs. 75 lacs given by his son to him.

Learned APP as well as the informant referred to statement of witnesses recorded in paragraph nos. 281 and 282 of the case diary, wherein, mere suspicion has been raised against this petitioner.

Petitioner is in custody since 30.6.2018 having no criminal antecedent.

Considering the aforesaid, 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 the Addl. District and Sessions Judge VI, Bhagalpur, in connection with Bhagalpur Kotwali Tilkamanjhi P. S. Case No. 254 of 2018, Sessions Trial no 650 of 2018 subject to the following conditions:

(i) Both the bailors shall be the close relative of the petitioner.

(ii) The petitioner shall be present on each and every date fixed by the Court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioner.

(iii) If petitioner tamper with the evidence in the case, prosecution will be at liberty to move for cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

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