

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1783 of 2019

Arising Out of PS. Case No.-83 Year-2016 Thana- JAGDISHPUR District- Bhagalpur

Md. Sahrukh @ Md. Hira, S/o Late Md. Jamal, Resident of Village-
Garhotiya, P.S.- Lodipur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saghir Ahmad, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 07-03-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody since 11.09.2018 in connection with Jagdishpur P.S. Case No.83 of 2016 registered for the offence under Section 302/201 of the Indian Penal Code.

Learned counsel for the petitioner submits that so far as the petitioner is concerned, he is not named in the FIR, but subsequently, on the basis of the statement made by the brother of the deceased, the petitioner's name has surfaced, stating that one Md. Tajjamul @ Bechu and two others had been seen speaking to the deceased girl at the *Jalsa*. Learned counsel further submits that only after the said statement in paragraph 32 of the case diary, that the name of the petitioner



has surfaced and consequently, he was taken into custody. Learned counsel for the petitioner has also drawn the notice of this Court to an order dated 07.03.2017 passed in Cr.Misc. No.3731 of 2017, whereby the said Md. Tajjamul @ Bechu has since been extended the privilege of bail by a Bench of this Court. He thus submits that the case of the petitioner stands on a better footing if not on similar footing and therefore he may be extended the privilege of bail.

Diary in the case was called for earlier, which has since been received and has also been perused by the learned counsel for the State.

Learned counsel for the State submits that save and except the aforementioned allegation that he had been found speaking with the deceased girl, there is no further material in the case diary and the call details at one or two places indicate that there have been some connection of communicating with each other, but that cannot form the basis for prosecution.

Having considered the entire facts and circumstances of the case, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate,
Bhagalpur, in connection with Jagdishpur P.S. Case No.83 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)

PNM/Rakesh

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