

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26294 of 2019

Arising Out of PS. Case No.-299 Year-2018 Thana- CHAKIA District- East Champaran

MD. SHAMSHAD @ SHAMSHAD Son of Mansoor Alam @ Md. Mansur
Aalam, Resident of Village-Hindu Chakia, P.S-Chakia, District-East
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved this Court for grant of
bail in Cr. Misc. No. 10708 of 2019, which was rejected vide
order dated 22.02.2019.

Petitioner is languishing in judicial custody since
17.11.2018 in connection with Sessions Trial No. 149 of 2019,
arising out of Chakia P.S. Case No. 299 of 2018 for offences
punishable under Sections 304 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his 6 month old grand-son, who was suffering from cold
and fever, was taken to the clinic of Dr. Rajnish Chandra Mishra
where the petitioner administered injection on the little child,



who died after few minutes of such administration of injection.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and because of village rivalry, the petitioner has been falsely implicated in the aforesaid case. He submits that the small child did not die because of the injection but because of the disease of which he was suffering. He further submits that charge has been framed on 15.03.2019 and the petitioner undertakes to cooperate in the trial on day-to-day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody and that charge has already been framed, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-XIII, East Champaran at Motihari, in connection with Sessions Trial No. 149 of 2019, arising out of Chakia P.S. Case No. 299 of 2018, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the



petitioner.

2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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