

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29165 of 2019

Arising Out of PS. Case No.-284 Year-2018 Thana- CHAINPUR District- Kaimur (Bhabua)

Danish Alam @ Sheru Son of Md. Islam Idrisi Resident of Village - Chhawani
Mohalla , Ward No. 9, P.S.- Bhabhua, Distt - Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate
For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 26-09-2019 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State as well as

learned counsel for the informant.

The petitioner is in custody since 10.11.2018 in
connection with Chainpur P.S. Case No. 284 of 2018, registered
for the offence under Sections 324, 302, 120(B) and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

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

Learned counsel appearing on behalf of the petitioner
submits that save and except the confessional statement made
before the police by the petitioner himself, who was arrested on
suspicion, there is no material on record to indicate that the



petitioner was even remotely connected with the occurrence. Learned counsel further submits that at the very first instance, the name of one Gaurav Singh has surfaced in connection with the killing of the deceased Sanjay Singh and it is in the call records of the said Gaurav Singh, who is alleged to have illicit relation with the wife of the deceased, that the petitioner's name has also been connected. It has further been alleged that the petitioner had also communicated with the said Gaurav Singh and there is all likelihood of his having been connected with the present case. Learned counsel for the petitioner has further submitted that such surmises and conjectures form the basis of the prosecution story to connect the petitioner with the alleged occurrence. Till date the petitioner has not been put on T.I. Parade and there is no further material on record even in the case diary to support the prosecution case. Learned counsel further submits that save and except one other case under Section 379 of the Indian Penal Code, the petitioner has no other criminal antecedent. He further submitted that the petitioner is willing to cooperate in the trial and appear as and when required.

Considering the aforementioned facts and circumstances and that there being no cogent material in the



case diary, 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 court of learned Additional Chief Judicial Magistrate IInd, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 284 of 2018, subject to the following conditions:

(1) One of the bailors will be his father.

(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)

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