

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29481 of 2019

Arising Out of PS. Case No.-843 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Md. Habibuddin @ Tinku (Male) aged about 32 years Son of Md. Hafizuddin
Resident of Mohalla - Mayaganj, P.S.- Barari, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Najmul Hodda, Advocate
For the Opposite Party : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 25-07-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 149, 302 and 201 of the Indian Penal Code registered in connection with Kotwali (Barari) P.S. Case No. 843 of 2018.

3. It is submitted that the petitioner has been falsely implicated and in any event, the specific accusation of firing on the deceased is upon co-accused Md. Umar Chand. The accusation against the petitioner is that he along with the said co-accused Md. Umar Chand pushed the deceased into fire. It is however submitted that post mortem report discloses firearm injury to the ante mortem whereas superficial burn injury was post mortem. Similarly situated co-accused Md. Azam has been granted anticipatory bail by this Court vide order dated 29.03.2019 passed in Cr. Misc. No. 17565 of 2019.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be



released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 843 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate 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.

(Vikash Jain, J)

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