

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39373 of 2019**

Arising Out of PS. Case No.-121 Year-2019 Thana- BANKA District- Banka
=====

MD. HASNAIN, male, aged about 24 years, Son of Md. Shamsheer Resident
of Village- Barahat Durga Pokhar, Police Station- Barahat, District- Banka.
... .. Petitioner

Versus

The State of Bihar Opposite Party
=====

Appearance :

For the Petitioner : Mr. Md. Najmul Hodda, Advocate.
For the Opposite Party: Mr. Jitendra Kumar Singh, APP
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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 21-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 363, 365, 302, 201/34 of the Indian Penal
Code registered in connection with Banka (Barahat) P.S. Case No.
121 of 2019.

3. It is submitted that the petitioner has been falsely
implicated on mere suspicion, except which there is no objective
material to connect the petitioner with the alleged occurrence.
The petitioner has not been named in the F.I.R. nor in the
restatement of the informant. In the informant's statement
recorded over again, he has for the first time implicated the
petitioner and others raising suspicion against him as an
afterthought at a much belated stage. There is no objective
material to suggest that the petitioner had any role to play in the
entire occurrence rather from statement of Md. Sartaz, a young
boy with whom the deceased boy had gone to play has stated that
the deceased was plucking papaya from a tree of the petitioner's
elder brother and hid himself when he saw the petitioner's elder
brother approaching while Md. Sartaz fled away. It is submitted
that the deceased boy died an accidental death by falling in the



well.

4. Learned APP appears but he has not been able to point out any objective material in the case diary against the petitioner.

5. 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, Banka in connection with Banka (Barahat) P.S. Case No. 121 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., 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 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.

(iv) 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.

(Vikash Jain, J)

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