

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60870 of 2018

Arising Out of PS. Case No.-68 Year-2016 Thana- SIMRI District- Darbhanga

Md. Sajid Sekh @ Md. Sajid, Son of Md. Ashalam Sekh @ Aslam Ansari,
Resident of Village- Kajiyana, P.S. Sakari, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 02-01-2019 Heard learned counsel for the petitioner and learned
A.P.P. appearing on behalf of State.

Petitioner had earlier moved for bail which was
rejected by order dated 07.11.2017 passed in Cr. Misc. No.
38316/2017.

Petitioner is languishing in judicial custody since
30.06.2016 in connection with Sessions Trial No. 55/2017
arising out of Simari P.S. Case No. 68/2016, for offences alleged
under Sections 328, 302, 201 and 34 of the Indian Penal Code.

The prosecution case as lodged by the Chowkidar of
village is that dead-body was found near National Highway-57,
but could not be identified.

Learned counsel for the petitioner submits that he is
not named in the F.I.R. and is innocent. In fact, the deceased



was also not identified, but later on, on the confessional statement of co-accused Rayees and his own confessional statement before the police which has no evidentiary value in the eye of law, name of the petitioner and the deceased came to surface. He submits that trial has not been able to make much headway and the petitioner is in custody since two and half years.

However, learned A.P.P. opposes the prayer for bail stating therein that the petitioner does not bear clean antecedent as one more case is pending against him, although under different sections of the Indian Penal Code as well as the fact that petitioner was a party of gang which dealt with stealing and selling of vehicles and the deceased was driver of Scorpio Car.

Considering the facts and circumstances of the case and materials on record as well as the period of custody, let the 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 the learned District & Sessions Judge, Darbhanga in connection with Sessions Trial No. 55/2017 arising out of Simari P.S. Case No. 68/2016, subject to the conditions:-

(1.) One of the bailors would be close relative of the



petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2.) The 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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