

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43207 of 2019

Arising Out of PS. Case No.-849 Year-2018 Thana- SHASTRINAGAR District- Patna

Md. Tajuddin Son of Md. Sirazudeen Resident of Damariya, Police Station-
Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 16-10-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Shastri Nagar P.S. Case No. 849 of 2018**, registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code and section 27 of the Arms Act.

It is alleged that murder of Jitendra Kumar, an Advocate of Patna High Court was committed near Water Board Office by some unknown persons.

There is suspicion against this petitioner in the F.I.R that all the accused persons including this petitioner hatched up a conspiracy and committed murder of informant's brother and also took possession of informant's land fraudulently.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner has falsely been implicated in this



case. However, in the F.I.R there is suspicion against this petitioner that petitioner is also involved in the murder of deceased, as power of attorney of land was given to this petitioner. Save and except suspicion there is no material against the petitioner. Though in this case suspicion has also been raised against the wife of deceased, as matrimonial dispute was going on between the deceased and his wife. There is no eye-witness of the occurrence. Petitioner was not present at the time and place of occurrence as he was in Nepal for treatment of his mother. Other co-accused have been granted bail by different benches of this court vide order dated 18.09.2019 passed in Cr. Misc. No. 36174 of 2019 and dated 13.05.2019 passed in Cr. Misc. No. 13765 of 2019. Charge-sheet has already been submitted. Petitioner is in custody since 01.02.2019 having clean antecedent.

Considering the facts aforesaid, the petitioner above-named, is directed to 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 **Sub-Judge IV, Patna** in connection with **Shastri Nagar P.S. Case No. 849 of 2018**, subject to the following conditions:-

- (i) The petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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