

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45359 of 2019

Arising Out of P.S. Case No.-338 Year-2018 Thana- ATHMALGOLA District- Patna

Lallu @ Firdoj Miyan @ Firdaush, aged about 45 years, Male, Son of Late
Gyas Miyan @ Late Md. Gyasuddin Resident of Village - Ahijan, P.S.-
Athmalgola, District - Patna

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Kashyap, Advocate
For the Opposite Party : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-09-2019 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor and perused the case diary.

The petitioner is in custody in connection with
Athmalgola P.S.Case No.338 of 2018 registered for an offence
under Sections 364, 302, 324, 436, 201, 120(B) and 34 of the
Indian Penal Code.

As per the prosecution case this petitioner and other
accused persons kidnapped the son of the informant and
thereafter the informant's son was killed by the accused persons.

It is submitted on behalf of the petitioner that the
petitioner has falsely been implicated in this case. He further
submits that there is no eye witness of the alleged occurrence. It
is further submitted that during course of investigation one co-



accused Md. Saddam, has been arrested by the police who disclosed the name of this petitioner, has been granted regular bail by a coordinate Bench of this Court in Cr.Misc.No.39885 of 2019 vide order dated 28.12.2018. It is further submitted that similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court in Cr.Misc.No.30124 of 2019 and Cr.Misc.No.39885 of 2019. Petitioner is in custody since 01.04.2019 and having clean antecedent.

In view of the aforesaid facts, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist, Barh, Patna in connection with Sessions Trial No.462 of 2019 arising out of Athmalgola P.S.Case No.338 of 2018 with following condition:-

(i) Petitioner shall cooperate 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 his absence on two consecutive dates without sufficient reason, his bail bond shall 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)

B.Kr./-

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