

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56234 of 2019

Arising Out of PS. Case No.-41 Year-2017 Thana- UPHARA District- Aurangabad

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Mazhar Khan @ Majhar Khan, aged about 30 years, (Male), Son of Ainul Khan @ Ainullah Khan, Resident of Village - Darwan, P.S.- Uphara, Distt - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 11-09-2019 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Sessions Trial No. 70 of 2018/254 of 2018 arising out of Uphara P.S. Case No. 41 of 2017 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

Informant who is Chaukidar of Uphara Police Station has alleged in his fardbeyan that on 22.11.2017 about 19:00 P.M. while he was patrolling the area he got information of a dead body of female lying at Hamidnagar and thereafter on his information the police arrived but no one could identify the dead body and case was instituted under Sections 302, 201 of



the Indian Penal code against unknown persons.

It has been submitted on behalf of counsel for the petitioner that he has been implicated in this case on the basis of suspicion only and except suspicion there is no incriminating material against petitioner. Earlier his bail application was rejected vide order as contained in Annexure-1 with liberty to renew his prayer after framing of charge. It has been submitted that charges against petitioner has been framed on 03.07.2019.

Considering the aforesaid facts and circumstances of the case and the observation made in order dated 21.01.2019 passed in Cr. Misc. No. 65912 of 2018, petitioner named above be released on bail upon 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-3rd, Aurangabad, in connection with Sessions Trial No. 70 of 2018/254 of 2018, arising out of Uphara P.S. Case No. 41 of 2017 with following conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and



his absence on two consecutive dates without proper and valid reason trial court shall have liberty to cancel his bail bond.

(3) 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.

(S. Kumar, J)

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