

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55961 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- PHULWARISHARIF District- Patna

Afroz Haider @ Md. Afroz Alam, aged about 28 years, Gender-Male, Son of Late Ismail Haider, Resident of Flat No. 403, Block-C, Aakash Ganga Apartment, Ashiyana- Digha Road, P.S.- Shastrinagar, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sunil Kumar, Advocate

For the Opposite Party : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-09-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 307, 120(B) and 34 of the Indian Penal Code registered in connection with Phulwarisharif P.S. Case No. 74 of 2019.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of land dispute as the parties are related to each other. The petitioner is the brother of the informant's husband while co-accused Tarique Haider is the son from the first wife of the informant's husband. The informant has raised suspicion against co-accused Tarique Haider having fired upon her but it is stated that there is no injury report on record to corroborate the accusation of firing upon the informant. Co-accused Tarique Haider along with co-accused Nishat Haider @ Sunny Haider @ Nishad Haidar have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 24.07.2019 passed in Cr. Misc. No. 33996 of 2010 and Cr. Misc. No. 23571 of 2019 respectively. The petitioner's case stands on better footing than that of co-accused Tarique Haider as no



accusation of assault has been made against the petitioner, who claims clean antecedents.

4. 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 Additional Chief Judicial Magistrate-XV, Patna in connection with Phulwarisharif P.S. Case No. 74 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cod of Criminal Procedure and with 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 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.

(iv) 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.

(Vikash Jain, J)

BT/-

U		T	
---	--	---	--

