

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61243 of 2019**

Arising Out of PS. Case No.-250 Year-2005 Thana- PURNEA SADAR
District- Purnia

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MD. JAMIL Son of Md. Gafur Resident of Village - Manjheli, Pitangiya, P.S.-
Sadar (Muffasil), Distt - Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Amit Kumar Anand, Advocate.

For the Opposite Party: Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 323, 448, 302, 120B and 34 of the
Indian Penal Code registered in connection with Supplementary
Sadar (Mufassil) P.S. Case No. 250 of 2005.

3. At the very outset, learned counsel for the petitioner
points out that even though the F.I.R. has been registered as far
back as in the year 2005, there has occurred no delay in
approaching this Court for grant of anticipatory bail. After due
investigation final form was submitted on 30.06.2008 but
thereafter cognizance was taken on 10.09.2008. Criminal
Revision No. 459 of 2008 was filed in which further proceedings
were stayed. Thereafter the said criminal revision petition was



dismissed by the learned Sessions Judge, Purnea on 23.05.2019.

4. It is submitted that the petitioner has been falsely implicated and after due investigation final form was submitted on 30.06.2008 for want of evidence (Annexure-3). The solitary allegation against the petitioner was that he gave the order to Bibi Sabina Khatoon pursuant to which she went to the house of the informant and killed the informant's one-year old son, as such he is not the main assailant. The allegation in the F.I.R. has been diluted by the informant in her affidavited petition filed on 16.11.2006 (Annexure-2) where she has stated that the accused persons have been named on suspicion. Reference is also made to the deposition of Md. Rustam, father of the deceased child and husband of the informant, recorded under Section 164 Cr. P.C. on 30.06.2008, wherein he has categorically stated that the deceased child died after falling off the bed and getting stuck by the wall. The petitioner claims clean antecedents.

5. 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 Chief Judicial Magistrate, Purnea in connection with Supplementary Sadar (Mufassil) P.S. Case No. 250 of 2005, subject to the conditions as laid down under Section



438 (2) Cr.P.C., and also subject to the following 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 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.

(iv) 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.

(Vikash Jain, J)

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