

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63697 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- MAHARAJGANJ District- Siwan

MD. SHAHID Son of Mohammad Alam, Resident of Village - Mohan Bazar
Maharajganj, P.S.- Maharajganj, Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 22.01.2019 in connection with Maharajganj P.S.Case No 18 of 2019 for the alleged offences under Sections 147, 148, 149, 323, 341, 324, 307, 379 and 506 of the Indian Penal Code and subsequently Section 302 IPC was added.

3. It is submitted that the petitioner has been falsely implicated in connection with the killing of the informant, who died in course of treatment. The informant has stated in his *fardbayan* that when he went to the rescue of his driver, who was being assaulted by the accused persons, he (informant) was repeatedly assaulted by Dhara Singh with knife and his father Shambhu Singh and Bittu Kumar Singh also assaulted



him with knife and lathi, resulting in injury in his stomach and on head and other parts of the body. The informant fell down to the ground and was assaulted by five to six unknown persons. It is therefore submitted that the petitioner has not been named as the assailant. Similarly situated co-accused Vikash Kumar has been granted bail by this Court vide order dated 18.07.2019 passed in Cr. Misc No. 43367 of 2019. The petitioner is accused in one prior case in which he is on bail.

4. Be that as it may, let the petitioner above named 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 A.D.J.-VI, Civil Court, Siwan in connection with S.Tr. No. 186 of 2019 arising out of Maharajganj P.S.Case No. 18 of 2019 on the following 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 co-operate 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) 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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