

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70393 of 2019

Arising Out of PS. Case No.-158 Year-2003 Thana- AMARPUR District- Banka

SABIUDDIN @ SARFUDDIN Son of Nabiuddin Resident of Village-
Salempur, P.S.- Jagdishpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 04-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection
with Amarpur P.S. Case No. 158 of 2003 registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code.

Informant is the Choukidar, who in his fardbeyan has
stated that on 20.09.2003 at about 8:00 AM he was informed
that unknown criminals have shot dead one person in the night
of 19.09.2003 and on basis of said written complaint FIR was
instituted against the unknown persons and deceased were
identified as Suleman Mian and Sukhra Mian.

It has been submitted on behalf of petitioner that after
investigation police had submitted charge sheet against Bhim



Shukla @ Rajan Shukla @ Bhim Ojha under Section 302, 34 of I.P.C. and 27 of the Arms Act and who has been acquitted by the Session Trial No. 1503 of 2006 dated 08.05.2007. The investigation was left opened against the other accused and it is stated that name of the petitioner has surfaced in this case on the basis of confessional statement made by Bhim Shukla. Except said confessional statement, there is no other incriminating material against the petitioner. Petitioner is in custody since 22.07.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Amarpur P.S. Case No. 158 of 2003 subject to the conditions that:-

(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 properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and



sufficient reason the trial court will be at 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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