

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74255 of 2019

Arising Out of PS. Case No.-579 Year-2018 Thana- KISHANGANJ District- Kishanganj

MD. RAFIQUE ALAM @ RAFIQUE ALAM Son of Najafa @ Najimuddin
Resident of Village- Baldiya Bhasa, P.S.- Goalpokhar, District- Uttar Dinajpur
(West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-11-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner in the present case is seeking regular bail in
connection with Kishanganj P.S. Case No.579 of 2018 registered for
the offence punishable under Sections 302, 353 and 333/34 of the
Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case.
Learned counsel submits that the name of the petitioner has
transpired in the confessional statement of the co-accused namely
Takabul Haque.

Learned APP has opposed the prayer for bail.

Considering the facts and circumstances of the case
wherein it is the submission of the petitioner that his name has
transpired in the confessional statement of co-accused namely



Takabul Haque and save and except that confessional statement there is no other material against the petitioner so far and the said co-accused has been granted regular bail by a learned coordinate bench of this Court in Cr.Misc.No.34645 of 2019 as also that the petitioner has remained in custody since 10.07.2019 and charge-sheet has already been filed in the matter, let the petitioner above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No.579 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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