

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74775 of 2019

Arising Out of PS. Case No.-233 Year-2019 Thana- MAHNAR District- Vaishali

Md. Kalam, aged about 23 years (Male), Son of Md. Islam Mian Resident of
Village - Kharjama Ward No. 2, P.O. and P.S.- Mahnar, District- Vaishali
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Soni, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 27-11-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Mahnar P.S. Case No. 233
of 2019 registered for the offence under Sections 302, 201/34 of
the Indian Penal Code.

As per prosecution case, the petitioner is said to have
assisted the main accused in concealing the dead body.

It is submitted on behalf of petitioner that no case
under Section 302 of the I.P.C. is made out against the
petitioner, since the petitioner is said to have only assisted in
concealing the dead-body and as such, only case under Section
201 of the I.P.C. is made out against the petitioner. Save and
except this, there is nothing against the petitioner, nor there is
any overt act against him and he is in custody since
23-06-2019. The petitioner is having clean antecedent, which
fact has been stated in paragraph – 3 of the petition.



Considering the aforesaid facts and circumstances as well as period of custody and clean antecedent of the petitioner, let the above named petitioner be enlarged 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 C.J.M., Vaishali at Hajipur in connection with Mahnar P.S. Case No. 233 of 2019, on the following conditions:

(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J.)

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