

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78540 of 2018

Arising Out of PS. Case No.-61 Year-2014 Thana- GAYA MUFASIL District- Gaya

Md. Irfan Son of Late Zaheer Khan, resident of Mohalla- Maroofganj Bania
Pokhar, P.S. Civil Line District Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad
For the Opposite Party/s : Mr. Sri Manish Kumar 2

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 29-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Muffasil P.S. Case No. 61 of 2014** registered for the offence punishable under Sections 302, 120B and 34 of the Indian Penal Code.

Informant in his written complaint has alleged that on receiving call on his mobile, his brother Md. Arif went outside the house and when he called him he was informed that he has been murdered in the *Mela*. He suspected that FIR named accused from whom he had dispute of contract have murdered his brother.

It has been submitted on behalf of the petitioner that he has been named in the FIR on the basis of suspicion. It has been submitted that other co-accused have already been granted regular bail. Similarly, placed co-accused person namely Md.



Rijwan has been granted bail by a co-ordinate bench of this Court vide order dated 17.09.2016 passed in Criminal Miscellaneous No. 31945 of 2016. Petitioner is in custody since 23.04.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate-Gaya**, in connection with **Muffasil P.S. Case No. 61 of 2014**, with following conditions:-

(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 shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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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