

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6108 of 2020**

Arising Out of PS. Case No.-345 Year-2016 Thana- JOKIHAT District- Araria

MD. SHAYAQUE @ MD. SAYAK Son of Md. Shamsul @ Somal Resident
of Village - Bajaddi, P.S.- Amour, District- Purnea

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Pranav Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 05-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Jokihat P.S. Case No. 345 of 2016

registered for the offences punishable under Sections 394, 307

of the Indian Indian Penal Code.

Learned counsel for the petitioner submits that the

petitioner has falsely been implicated in this case, his name has

been dragged in the confessional statement of co-accused and

during the whole investigating there is no identification of the

petitioner. It is further submitted that the petitioner is in custody



since 11.10.2019 and investigation against him his complete.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein the name of the petitioner is said to have transpired in the confessional statement of co-accused but till date there is no identification of the petitioner, nothing incriminating has been recovered from his possession and the petitioner has remained in custody for about eight months, investigation against him is complete, there being no other materials and there is no submission on behalf of the State that release of the petitioner at this stage is in any way likely to interfere with the course of trial, though the petitioner is said to have five cases on his head but it is stated in paragraph '3' that he is on bail, let the petitioner above named be released on bail in connection with Jokihat P.S. Case No. 345 of 2019 (G.R.No. 3564 of 2016) on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned J. M. Ist Class, Araria subject to the conditions as laid down under Section 437(3) of the 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

