

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18166 of 2020

Arising Out of PS. Case No.-172 Year-2019 Thana- BUXAR INDUSTRIAL District- Buxar

Md. Parvez Khan @ Md. Parvej Khan aged about 23 years (M) S/o Naimulah
Khan R/o vill. Badki Sarimpur, P.S. Buxar (Ind), Dist. Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Dr. Kamal Deo Sharma
For the Opposite Party : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-06-2020 The matter has been listed today for consideration through
Video Conferencing in view of the Nationwide Lockdown on account
of the Covid 19 pandemic.

The learned counsels are appearing and making submissions
from their residence. The Court Master and Secretary are also part of
this virtual court proceedings from their homes, all with the aid of
audio visual technology.

Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in Buxar (Industrial area) P.S. case
No. 172 of 2019 instituted for the offence under Sections 302/ 34 of
the IPC.

The prosecution story is that the son of the informant has been
done to death by the daughter-in-law along with her paramour,
namely Md. Imran Khan. The petitioner and one Tabrej Khan are



alleged to be the abettors in the crime.

The petitioner's counsel submits that the allegations have been cast only on suspicion. There is no eye witness to the occurrence. It is further submitted that falsity of the allegations against the petitioner would be evident from the fact that co-accused Tabrej Khan having identical allegations was allowed bail by the Court of learned C.J.M. Buxar on 29.01.2020. The order is Annexure-2A to the bail application. Further, it is submitted that during the course of investigation, the police did not find the case against the co-accused Tabrej Khan to be true. The petitioner is in custody in connection with instant case since 25.11.2019. No specific allegation has been levelled against the petitioner and for all purposes he is similarly situated as co-accused Tabrej Khan.

The learned counsel for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Buxar**, in connection with **Buxar(Industrial area) P.S. Case no. 172 of 2019**, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the



petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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