

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35255 of 2019

Arising Out of PS. Case No.-528 Year-2010 Thana- GANDHIMAIDAN District- Patna

RIKKI @ MD. JAWED Son of Nanhay Mian @ Md. Nandu @ Md.
Nanhaney Resident of Village - Bajaja Gali, P.S.- Pirbohare, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Dular Sah

For the Opposite Party/s : Mr.Dr. Indiwari Kumari

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 08-01-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 18.04.2019 in connection with Gandhi Maidan P.S. Case No. 528 of 2010 for the offence registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that though the petitioner is named in the first information report, the trial in the case has since progressed and during the course of the trial, the informant has herself denied that she had not seen the occurrence as she was living in a house which is situated at a distance from the place of occurrence. It is further submitted that PW3 also, who is the mother-in-law of the deceased, has also testified to the said effect that she has not seen the



occurrence and it was on the basis of the statements of these two persons that the petitioner has been implicated in connection with the present case. It is further submitted that another similarly situated co-accused persons, who has also been named by the informant has since been extended the privilege of bail vide order dated 18.06.2012 passed in Cr. Misc. No. 14592 of 2012. It is further submitted that as and when required the petitioner shall make themselves available so that trial of the case reaches its logical conclusion.

Considering the aforesaid facts and circumstances of the case and taking into consideration the deposition of the informant which has been brought on record by means of supplementary affidavit, 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 ACJM -X, Patna in connection with Gandhi Maidan P.S. Case No. 528 of 2010, subject to the following conditions :-

1. One of the bailors will be his own blood relative, preferably, father, mother, son, brother, sister and/or his wife.
2. The petitioner shall not indulge himself in any similar offence till conclusion of the trial.



3. The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

4. The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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