

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17583 of 2021**

Arising Out of PS. Case No.-135 Year-2020 Thana- MANIGACHI District- Darbhanga

MD HAIDER HAZAM @ HAIDAR HAZAM SON OF NANDU HAZAM
R/O VILLAGE- NARAYANPUR, P.S.- MANIGACHHI, DISTRICT-
DARBHANGA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Nand Kishore Prasad, APP
For the informant	:	Mr. Fakhruddin Ali Ahmad, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 08-10-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred the instant application for grant of regular bail in a case registered under sections 302, 120B and 34 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that the accused namely, Md. Nasim along with the petitioner and five others brutally assaulted the informant's brother leading to his death.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Referring to the statement of the witnesses recorded in different paragraphs of the case diary mentioned in the order of the



learned trial Court, it is submitted that the witnesses in their statement have categorically stated that it was coaccused Md. Nasim who was the assailant and not the petitioner. The petitioner is in custody since 22.6.2020 and undertakes to cooperate in the trial.

The prayer for bail of the petitioner is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that Sessions Trial no.7 of 2021 has commenced and one of the prosecution witness who has been examined, has taken the name of the petitioner as also made statement with respect to his participation in the occurrence. It is submitted that the petitioner and others have regularly been threatening the informant and thus the bail be rejected.

Having heard learned counsel for the parties and taking into consideration the contents of the F.I.R., material that has transpired in course of investigation together with the petitioner having remained in custody for over 1 year 3 months, this Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.7 of 2021 (arising out of Manigachi P.S. Case no.135 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Additional Chief
Judicial Magistrate-V, Darbhanga/concerned Court.

It is directed that the petitioner shall cooperate in the
trial in the learned trial Court and shall remain physically
present in Court on each date of the trial. In case, the learned
trial Court is of the opinion that the trial is being delayed due to
noncooperation on part of the petitioner, learned trial Court will
be at liberty to cancel the bail bond of the petitioner and take
him into custody till conclusion of the trial.

(Partha Sarthy, J)

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