

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9001 of 2020

Arising Out of PS. Case No.-21 Year-2018 Thana- LODIPUR District- Bhagalpur

MD. MASUKH @ MD. MASUK ALI S/o Md. Yunus Ali @ Yunus Ali R/o
village- Lodipur Kala, P.S.- Lodipur, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv. Mr.Md. Anisur Rahman. Adv.
For the Opposite Party/s :		Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 17-02-2021 Heard Mr. N.K. Agarwal, learned senior counsel

for the petitioner and Mr. Arun Kumar Singh, learned APP

for the State.

The petitioner, who is the husband of the
deceased, seeks bail in connection with Lodipur P.S. Case
No. 21/2018 instituted for the offences under Sections
302/120(B) and 34 of the Indian Penal Code.

On 08.01.2021, a report had been called for from
the court below about the stage of the case which has been
received.

It would be relevant here to state that the prayer
for bail of the petitioner was earlier rejected and he is in



custody since 03.01.2019.

The report indicates that none of the prosecution witnesses have appeared and, therefore, there does not appear to be any likelihood of trial being concluded in near future.

Considering this stage of trial, this court is inclined to release the petitioner on bail during the pendency of the trial but subject to the following conditions.

The petitioner, above named, shall be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -IV, Bhagalpur, in connection with Lodipur P.S. Case No. 21/2018.

One of the bailors shall be a near relative. The petitioner shall participate in the trial and shall not absent himself on any occasion except with the prior approval / permission of the Trial Court. His absence from the trial proceedings would entitle the Trial Court to proceed immediately for cancellation of his bail.



While furnishing bail bonds, the petitioner shall give his mobile telephone number as well as the mobile telephone numbers of his bailors, which shall be kept in operative condition till the conclusion of Trial. The petitioner shall not leave the territorial confines of the Court which is trying his case.

The petitioner shall also get his presence marked every week before the Officer -in-Charge of the concerned police station preferably on each Monday. The Officer -in-Charge of the concerned police station shall not unnecessarily make the petitioner wait in the police station and shall immediately record his presence on his visiting to the police station.

The petition stands disposed of with aforesaid observation.

(Ashutosh Kumar, J)

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