

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 29295 of 2021

Arising Out of PS. Case No.-173 Year-2020 Thana- GORAUL District- Vaishali

MD. KALIM @ MD. PANCHU S/o Md. Salah R/o village- Babhan Toli,
P.S.- Goraul, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 17-06-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection
with Goraul P.S. Case No. 173 of 2020 registered for the offence
punishable under Sections 302, 34 of the Indian Penal Code.

Informant has alleged in his written complaint that on
14.04.2020 at about 4:00 PM his son Md. Tanbir told his friend
Md. Sanu that his father is suffering from Corona then all FIR
named accused armed with lathi, danda, bricks and stone came
there house and started abusing. Thereafter his wife asked about
the matter then Md. Kalim (petitioner) ordered accused persons
to kill her, then all accused persons assaulter her by lathi danda,

bricks and stone, as a result, she sustained grievous injuries on her head and fell down on the ground. Thereafter she was taken to the hospital and after treatment she was brought to her Sasural where she died.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case due to dirty village politics. It has been further submitted that occurrence took place on 14.04.2020 but FIR was lodged on 17.05.2020 after delay of more than one month without any explanation. Allegation against petitioner is of only order giver and no overt act has been alleged against him. Petitioner has no criminal antecedent and is in custody since 26.12.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Goraul P.S. Case No. 173 of 2020 subject to the conditions that:-

(1) Bailors should be
local having sufficient immovable
property within the jurisdiction of

the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/veena-

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