

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30846 of 2021**

Arising Out of PS. Case No.-217 Year-2018 Thana- DAUDNAGAR District- Aurangabad

MD. AZAD S/o Md. Islam Quraishi @ Md. Islam R/o village- Khushdihra,
P.S.- Khirimore, District- Patna ... Petitioner/s

Versus

THE STATE OF BIHAR ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash, Advocate
For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 24-08-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 364/34 of the Indian Penal Code.

Prayer for bail of the petitioner was earlier refused by a bench of this Court vide Annexure 1 to the bail petition.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is not named in the FIR. The informant in her re-statement did not name him but after lapse of more than 7 ½ months photograph of this petitioner was shown to the informant who identified the petitioner as one of the accused persons. FIR named accused persons have already been granted bail by different bench of this Court. There is no substantive evidence to suggest the implication of this petitioner in the present case. Petitioner is in custody since 31.7.2019. Charge sheet has already been



submitted.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties and the materials available on the record, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad in Daudnagar Police Station Case No. 217 of 2018 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

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(Prabhat Kumar Singh, J)

