

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49029 of 2021

Arising Out of PS. Case No.-283 Year-2020 Thana- CHANPATIA District- West Champaran

MD. SAIF ALI @ MD. SHAIK ALI Son of Md. Mustafa Resident of Village-
Chanpatia, P.S.- Chanpatia, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilesh Sinha

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Chanpatia P.S. Case No. 283 of 2020, registered for the offences punishable under Sections 302, 506 and 120B/34 of the Indian Penal Code.

According to prosecution case, there is allegation against the petitioner that he along with his father and brother namely, Md. Mustfa and Md. Jiyaul Haque committed murder of his son Altaf under a planned conspiracy.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence

and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. itself that petitioner is not assailant rather he was present there. Learned counsel for the petitioner further submits that there is no eye witness of the alleged occurrence. He further submits that co-accused, namely, Md. Mustafa has been granted bail by a Coordinate Bench of this Court vide order dated 12.04.2021 passed in Cr. Misc. No.2357 of 2021 (Annexure-2). Petitioner is in custody since 13.07.2020

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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 the learned 4th Addl. District and Sessions Judge, West Champaran, Bettiah, in connection with S.Tr. No.231 of 2021, arising out of Chanpatia P.S. Case No. 283 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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