

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4388 of 2021

Arising Out of PS. Case No.-50 Year-2020 Thana- SIKRAUL District- Buxar

Md. Asagar Ali Son Of Sabir Ali@ Savar Ali Resident Of Kamdharpur, P.S.-
And P.O.- Koram Sarai, District- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Saket Anand, Advocate
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-03-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in a case registered for the offence punishable under sections 302/120B of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, informant's husband (deceased) and accused persons named in the FIR are agnates. Accused persons wanted to divide the ancestral property amongst share holders which was resisted by informant's husband. It is further alleged that accused persons had threatened the informant of dire consequences. On 6.3.2020 when he was going to market with vegetables on Thela, accused persons shot him dead.



Learned counsel for the petitioner submits that the petitioner is neither agnate of the informant nor he is named in the FIR though others have been named therein. He is also not connected with the land dispute going on between the parties. Petitioner has only been implicated in this case on the basis of confessional statement of co-accused Vikram Yadav and save and except this, no other incriminating material has been collected against him. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 12.8.2020. Charge sheet has already been submitted.

Considering the facts and circumstances of the case and the fact that the petitioner is not named in the FIR and his name has come in the case on the basis of confessional statement of co-accused Vikram Yadav, he has got no criminal antecedent and charge sheet has already been submitted, 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 Sri DP Khan, JMFC, Buxar/concerned court in Sikraul Police Station Case No. 50 of 2020 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.

(Prabhat Kumar Singh, J)

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