

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5920 of 2021

Arising Out of PS. Case No.-316 Year-2017 Thana- GANDHIMAIDAN District- Patna

SAHBAZ @ MD. SHABAZ ABDIN Son of Md. Zainul Abdin Resident of
Bakarganj Bajaja Maharampur, P.S.- Pirbharore, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul, Adv

For the State : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 06-08-2021 In view of sudden resurgence of COVID – 19
infection there is limited functioning of the High Court and
therefore the matter has been listed for consideration through
virtual mode.

Heard learned counsel for the petitioner and the
learned APP for the State.

This Court would expect that the petitioner's
Counsel would honour his undertaking in the instant
proceedings regarding supply of requisite court fee etc. within
two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Gandhi Maidan P.S. Case No.
316/2017 registered under Section 302 of the IPC and Section
27 of the Arms Act.

The informant's son has been killed as per allegation



in course of robbery at his betel shop.

It is submitted by learned counsel for the petitioner that the petitioner has not been named in the FIR. He has no criminal antecedents and he is stated to be in custody since 19.6.2020. Other than confessional statement of co-accused Eayan Mallik and one Md. Tahmeed there is no material in the investigation to connect the petitioner with the alleged occurrence. There is stark variance in the confessional statement of these two co-accused, apart from the fact that the same has no evidentiary value.

Learned APP has opposed the prayer. It has submitted that the petitioner was the person responsible for conspiracy which led to the alleged occurrence.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sub Judge-VI-cum-A.C.J.M. Patna in Gandhi Maidan P.S. Case No. 316/2017 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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