

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3387 of 2022

Arising Out of PS. Case No.-401 Year-2020 Thana- TAJPUR District- Samastipur

ZULQUARNAIN AZAM @ ZULFI S/o Md. Mossarat Ali Resident of
Village - Mohammadpur, Kowari, P.S.- Waini O.P., Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

Mrs. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Tajpur
P.S. Case No. 401 of 2020 registered for the offences punishable
under Sections 394, 34, 302 of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution case, unknown accused persons
committed the murder of informant's son while going from the
bank and looted Rs. 2,30,000/- from the deceased.

Learned counsel for the petitioner submits that
petitioner is in custody since 17.08.2021. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. From the impugned order it appears that on the basis of the confession of co-accused Md. Danish name of present petitioner has been surfaced in the present case. Except confessional statement of co-accused, nothing is available on record to demonstrate the complicity of the petitioner with the alleged occurrence. Co-accused Md. Danish has already been granted bail vide Cr. Misc. No. 29026 of 2021 by a co-ordinate bench of this Court and the case of present petitioner stands on lesser footing in comparison to the co-accused. Petitioner has not been put on T.I.P.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody which is more than one year, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, co-accused Md. Danish, on whose confession name of present petitioner has surfaced, has already been granted bail as submitted, keeping in view clean antecedent of the petitioner and also taking into



consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – I, Samastipur in connection with Tajpur P.S. Case No. 401 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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