

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5844 of 2022

Arising Out of PS. Case No.-122 Year-2020 Thana- AKBARNAGAR District- Bhagalpur

Md Aiyaz @ Md Ejaj @ Narha, Son Of Md. Imtiyaz Resident Of Village -
Alinagar, Moulancachak, P.S.- Mojahidpur, Dsitt.- Bhagalpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar- Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 394, 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 21.09.2021, charge-sheet has been submitted in the case and has antecedent of five cases.

The learned counsel for the petitioner submits that the informant alleges that he runs a fertilizer and seeds shop and on 05.11.2020 at 12.00P.M., he had sent his son (deceased) along with Aman Kumar to deposit Rs.25,00,000/- cash when they were intercepted by four unknown motorcycle borne criminals, who shot his son and snatched the bag which contained the said



amount and fled from the place of occurrence. It is next alleged that the deceased was declared dead on arrival by the doctors at the hospital.

The learned counsel for the petitioner submits that the F.I.R. was against unknown and the name of this petitioner transpired in the confessional statement of Md. Bholu @ Alisher, who has been granted bail by order dated 04.10.2021 in Cr. Misc. No.39354 of 2021. It is further submitted that another co-accused Md. Parwez @ Parwez Akhtar @ Md. Dara Mian has been granted bail by order dated 17.12.2021 in Cr. Misc. No.48440 of 2021.

The learned counsel submits that since the accused in whose confessional statement his name transpired has been granted bail, the petitioner also deserves parity as this case is on better footing. It is next submitted that despite being in custody, the petitioner was never put on T.I. Parade as Aman Kumar, who had accompanied the deceased, was best person to identify the accused, who participated and committed the occurrence.

The learned A.P.P. for the State opposes the bail application and submits that petitioner has antecedent of five cases and once he is released, he will delay the trial.

Considering the fact that the petitioner is in custody,



charge-sheet has been submitted in the case, co-accused has been granted bail and he was not put on T. I. Parade, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Akbarnagar P. S. Case No.122 of 2020, subject to the condition that one of the bailors shall be the father of the petitioner namely, Md. Imtiyaz.

However, if the learned Court below comes to a conclusion that after his release, the petitioner is trying to delay the trial in any manner, the learned Court below shall forthwith cancel his bail bonds after recording reasons and will take all coercive steps to take back the petitioner behind the bars.

The application stands allowed.

(Satyavrat Verma, J)

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