

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15377 of 2022

Arising Out of PS. Case No.-67 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

MD SAHIL RAJA, son of Mohammad Nur Alam @ Md. Noor @Md. Noor Alam R/o Village- Makhdumpur, P.S. - Mufassil, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate.

For the Opposite Party/s : Md. Fahimuddin, APP.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-09-2022 Learned counsel for the petitioner undertakes to remove the defect(s) by 17th October, 2022.

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

This is the second attempt of the petitioner to obtain bail in connection with Mufasil P.S. Case No. 67/2020 registered for the offences punishable under Sections 302, 307, 326/34 of the Indian Penal Code and 27 of the Arms Act. The petitioner has no criminal antecedent. He is in custody since 15.03.2020.

Learned counsel for the petitioner submits that earlier prayer for bail of the petitioner was rejected vide order dated 19.07.2021 passed in Cr. Misc. No. 38885 of 2020 considering that the co-accused Md. Miraj and this petitioner both have confessed their guilt and at the instance of the co-accused certain arms and ammunition and sim card has been recovered which was allegedly being used by the said co-accused and was found active at the



location of the place of occurrence. It is submitted that the co-accused Md. Miraj has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 50458 of 2021 vide order dated 08.08.2022.

Learned APP for the State has though opposed the prayer for bail of the petitioner but has not disputed that the co-accused has been granted bail.

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioner submits that earlier the prayer for bail of the petitioner was rejected taking note of the fact that the co-accused Md. Miraj and this petitioner both have confessed their guilt and at the instance of the co-accused certain arms and ammunition and sim card has been recovered which was allegedly being used by the said co-accused and was found active at the location of the place of occurrence but at this stage learned counsel submits that the co-accused Md. Miraj has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 50458 of 2021 vide order dated 08.08.2022, further considering that the petitioner is in custody since 15.03.2020 and even after a lapse of more than two and half years the trial has not progressed and it is stated that the trial court is vacant, there being no submission on behalf of the State that the release of the petitioner at this stage is likely to result in tampering with evidence or interfering with the course of trial, this Court directs release of the petitioner on bail on



furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri Amit Gourav, learned J.M. 1st Class, Katihar in connection with Mufasil P.S. Case No. 67/2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

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.

Certified copy shall be made available only after removal of defects.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

