

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25467 of 2021

Arising Out of PS. Case No.-406 Year-2018 Thana- SAHARSA SADAR District- Saharsa

MD SAHID Son of Ali Hussain Resident of Mohalla- Saharsa Basti, Ward
No.31, Police Station- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 31-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 08.12.2020, seeks
regular bail in connection with Saharsa P.S. Case No. 406 of
2018 registered for offences punishable under Sections 302/34
of the Indian Penal Code, Section 27 of the Arms Act and later
on charge sheet submitted under Section 396 of the Indian Penal
Code.

Prosecution case, in brief, is that the husband of the
informant took his son at about 4 a.m. on motorcycle to board
him on Janki Express and while he was returning at about 4.30



a.m. near Iron factory, some unknown persons shot him dead.

Learned counsel appearing on behalf of the petitioner submits that petitioner has been roped in this case on the basis of confessional statement of one co-accused Md. Khalid. He further submits that petitioner was not arrested on the spot and other co-accused persons have already been enlarged on bail and in this regard, he has annexed annexure-2 series from which it appears that Md. Khalid was granted bail vide order dated 05.10.2018 passed in Cr. Misc. No. 52373 of 2018, Md. Nazim was granted bail vide order dated 02.11.2018 passed in Cr. Misc. No. 59793 of 2018, Aurangjeb @ Md. Aurangzeb was granted bail vide order dated 04.12.2018 passed in Cr. Misc. No. 71186 of 2018, Md. Mausam was granted bail vide order dated 13.03.2019 passed in Cr. Misc. No. 15529 of 2019 and Md. Asgar was granted bail vide order dated 23.05.2019 passed in Cr. Misc. 20260 of 2019. He further submits that there was no apprehension of arrest as petitioner was not aware of the alleged case in which he has been made accused. He has no relationship or any connection with Md. Khalid. Petitioner is innocent and as such he be released on bail.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that the recovery



of the motorcycle and from other sources of information, the involvement of the petitioner has come into light in this case and in this regard, learned Court below has specifically mentioned paragraph nos. 53 and 100 of the case diary which reveals the involvement of the present petitioner in the instant murder case along with co-accused Md. Khalid, who took his name.

Considering the facts and circumstances of the case, F.I.R. has been lodged against the unknown persons, charge-sheet has already been submitted against the present petitioner under Section 396 of the Indian Penal Code, there is minuscule evidence available in the case diary so as to connect the petitioner with the alleged crime as well as there is no allegation of tampering the evidence or influencing the witnesses and trial is not likely to be concluded soon due to COVID-19, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S. Case No. 406 of 2018 subject to the following conditions:

- (i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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