

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29554 of 2021

Arising Out of PS. Case No.-439 Year-2020 Thana- BHORE District- Gopalganj

HAIDER ALI @ HAIDAR ALI Son of Hasnain Miyan @ Mohammad
Hasnain Sai Resident of Village - Mishrauli, P.S.- Bhorey, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Bhorey P.S. Case No. 439 of 2020 registered for the offence
under Sections 302/34 of the Indian Penal Code and Section
27 of the Arms Act.

The son of the informant is said to have been killed
by unknown miscreants.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. In fact, the petitioner has not been
named in the F.I.R. but on the basis of confessional statement
of the co-accused, namely, Rabbe Alam, name of this



petitioner has surfaced in this case. He further submits that during investigation, a country made pistol and a knife has been recovered from the house of the co-accused but nothing incriminating has been recovered from exclusive possession of the petitioner. The police after investigation has submitted charge sheet in this case. The petitioner is rotting in judicial custody since 18.12.2020

Learned A.P.P. for the State has submitted that the name of this petitioner has been transpired in this case on the basis of confessional statement of the co-accused. No arms have been recovered from the conscious possession of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Bhorey P.S. Case No. 439 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the



Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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.

(Rajesh Kumar Verma, J)

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