

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31318 of 2021

Arising Out of PS. Case No.-501 Year-2020 Thana- PHULWARISHARIF District- Patna

Md. Chand Son Of Late Md. Mannu R/O - Chunauti Kuan, P.S.- Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Anand, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 29-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120(B) and 34 of the IPC and Section 27 of the Arms Act.

The prosecution case, in brief, is that son of informant Md. Anjaar left his house at about 10.00 hours and after 2.00 P.M., the informant received an information that some unknown persons has shot his son and he has died.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been



implicated in the present case only on the basis of confessional statement of co-accused, namely, Md. Banti. He further submits that except confessional statement of the co-accused, nothing has come, during investigation, against the petitioner. He further submits that co-accused, namely, Md. Banti has been granted bail vide order dated 23.07.2021 in Cr. Misc. No. 7428 of 2021 by a Coordinate Bench of this Hon'ble Court and the petitioner is in custody since 19.09.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Court below where the case is pending in connection with Phulwarisharif Police Station Case No.501 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 cancelled 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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