

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24414 of 2022

Arising Out of PS. Case No.-440 Year-2020 Thana- PURNEA SADAR District- Purnia

MD SABIR @ SABIR S/o Md. Tunwa @ Karim Resident of Village-
Maharajpur Tola, Islampur, P.S.- Sadar Muffasil, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is the second attempt of the petitioner to approach before this Court for bail. Earlier, vide detailed order dated 23.07.2021 passed in Cr. Misc. No. 24405 of 2021, the prayer for bail of the petitioner was rejected.

It is submitted by learned counsel for the petitioner that the case has been committed to the Court of Sessions and the victim/informant, her husband and two other witnesses have been examined but they have not supported the prosecution case



and the prosecution has declared the informant as hostile. It is further submitted that only two witnesses i.e. the Investigating Officer and the doctor are left to be examined. It is also submitted that similarly situated co-accused, Md. Nasir has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 22.02.2022 passed in Cr. Misc. No.36686 of 2021. Petitioner has no criminal antecedent and has been languishing in custody since 03.12.2020.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Sadar Muffasil P.S. Case No.440/2020/S.T. No.166/2021, subject to the following conditions :

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his



bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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