

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33229 of 2021

Arising Out of PS. Case No.-245 Year-2020 Thana- SABAUR District- Bhagalpur

1. Md Hasan S/O Late Md. Ismile R/O Village-Khibandh, P.S-Jagdishpur, District-Bhagalpur.
2. Md. Afroj S/O Md. Hasan R/O Village-Khibandh, P.S-Jagdishpur, District-Bhagalpur.
3. Md. Rehan S/O Md. Hasan R/O Village-Khibandh, P.S-Jagdishpur, District-Bhagalpur.
4. Md. Jahagir S/O Md. Hasan R/O Village-Khibandh, P.S-Jagdishpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-02-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in Virtual Court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Sabour P.S. Case No. 245 of 2020, S.T. No. 6 of 2021 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.



According to prosecution case, as per written application of the informant that informant has received information that his father has been murdered. On information, he ran with his family members and reached at the kiln of villager Afjal Moulbi and saw that the dead body of his father is lying under the Chouki. His stomach has come out from body and he has got serious injury in his body and lying dead.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that as per F.I.R. petitioners have no concern with the Sabour P.S. Case No. 144 of 2020 and they have falsely been implicated in the present case. It is further submitted that charge sheet has been submitted in this case. The petitioner are in custody since 05.09.2020.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned



Additional Sessions Judge-XII, Bhagalpur in connection with
Sabour P.S. Case No. 245 of 2020 and S.t. No. 6 of 2021,
subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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