

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40900 of 2021

Arising Out of PS. Case No.-273 Year-2018 Thana- PHULWARISHARIF District- Patna

MD. SAKIB S/O MD. FAHIMUDDIN R/o village- Nayatola Tajnagar, P.S.-
Phulwarishariff, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
		Mr. Pramod Kumar, Advocate
For the Opposite Party/s	:	Mr. Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 06-04-2022 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 11.09.2020, seeks
regular bail in connection with S. Tr. No. 573 of 2018 arising
out of Phulwarishariff P.S. Case No. 273 of 2018 registered for
offences punishable under Sections 302, 120B/35 of the Indian
Penal Code and Section 27 of the Arms Act.

Prosecution story in brief is that the son of the
informant was running a chicken shop and he used to open the
shop in the morning and on 13.04.2018 as usual he came to the
house at about 8.30 P.M. Someone called on his mobile and he



left his house and did not return. It is also alleged that the next day in the morning, his elder son went outside and he heard hulla and came back and informed that some criminals have committed murder of his brother.

Learned counsel appearing on behalf of the petitioner submits that the name of the petitioner has surfaced in the present case on the basis of confessional statement of one co-accused Md. Parwez, who has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 22.04.2019 passed in Criminal Miscellaneous No. 5645 of 2019. No incriminating article has been recovered from the possession of the petitioner. Similarly situated co-accused persons against whom similar allegation has been made in the FIR have already been released on bail. Petitioner is in custody since 11.09.2020.

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

Considering the aforesaid facts and circumstances of the case as well as period of custody of the petitioner, the Court below is directed to release the petitioner above named, 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 Additional District & Sessions Judge-XI,



Patna in connection with S. Tr. No. 573 of 2018 arising out of Phulwarishariff P.S. Case No. 273 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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