

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46039 of 2021

Arising Out of PS. Case No.-233 Year-2018 Thana- KHODAWANDPUR District- Begusarai

MD. KHURSHID @ MD. KHURSHID ALAM Son of Abdul Kadir @ Md. Abdul Quadir @ Md. Abdul Resident of Village- Bakari, Ward No. -11, P.S.- Khodawandpur (Chhaurahi O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-01-2022 Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with S.T. No. 563 of 2019 (Khodawandpur P.S.Case No. 233 of 2018) registered for the offence punishable under Section 302/34 of the Indian Penal Code.

Informant is the grandson of deceased, who in his fardbeyan has stated that there was property dispute between him and one Md. Khurshid alias Md. Khurshid Alam(petitioner), who wanted that deceased Amina Khatoon to transfer her share in the house in his favour, for which he used to put pressure upon his grandmother. On 26.10.2018 at about 7:00 A.M., (petitioner)Md.Khurshid Alam, accused Md. Siddik



and Md. Lal Babu came on two motorcycles and took away his grandmother forcibly and after two hours he received information that his grandmother is lying in injured condition at a lonely place in between Newlapur and Khodawandpur. Thereafter he alongwith his family members went there and found his grandmother was lying on the ground in injured condition. Thereafter she was taken to Primary Health Centre for treatment, from where she was referred to Sadar Hospital, Begusarai for better treatment whereon 04.11.2018 she died.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that earlier the bail application of the petitioner has been rejected vide order dated 03.02.2020 in Cr.Misc.No.13 of 2020. Learned counsel for the petitioner submits that it appears from the FIR that the date of occurrence as mentioned in the FIR is 26.10.2018 and the present FIR has been lodged after delay of 10 days i.e. on 05.11.2018. He further submits that co-accused, namely, Md. Siddik @ Mohammad Sadik @ Md. Siddique has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 19.05.2021 in Cr.Misc. No.23901 of 2021. Petitioner is in custody since 07.09.2019.



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 Additional Sessions Judge-I, Begusarai in connection with Khodawandpur P.S.Case No.233 of 2018 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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