

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45420 of 2021**

Arising Out of PS. Case No.-295 Year-2019 Thana- DESARI District- Vaishali

=====

FIROJ @ ADIL S/O MD. AZIM R/o village- Paharpur Toli, P.S.- Desari
(Sahdai O.P.), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rakesh Prabhat

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 21-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail in connection with Desari (Sahdai O.P.) P.S. Case No. 295 of 2019 registered for the offences punishable under Sections 302, 120(B) of the IPC.

Prosecution case in short is that one mentally retarded lady, who was suspected to be child thief, was assaulted by the FIR named accused persons and ten to twelve unknown persons as a result of which, she died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence



and he has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR. Name of the petitioner has come on the basis of disclosure made by the chowkidar. He further submits that postmortem report of the deceased does not corroborate the allegation as alleged in the FIR. He further submits that police after investigation submitted charge sheet against the petitioner. He further submits that co-accused Mahesh Ram and Anita Devi have been granted privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 27.08.2021 passed in Cr. Misc. No. 8642 of 2021 and petitioner is in custody since 03.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Desari (Sahdai O.P.) P.S. Case No. 295 of 2019, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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)

shahzad/-

U		T	
---	--	---	--

