

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45043 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- HABIBPUR District- Bhagalpur

Md. Abbas S/O Kalimuddin R/O Village-Khilafatnagar, P.S-Habibpur,
District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-02-2022 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 Habibpur P.S. Case No. 33 of 2021 registered for the offences punishable under Sections 324, 302 and 34 of the Indian Penal Code.

According to prosecution case, the informant in her statement stated that on 26.02.2021 Md. Afsar, who is a neighbor was used to threaten her husband to kill and her and ultimately the accused Md. Afsar killed her husband by knife with the help of other accused persons.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no specific allegation of assault against the petitioner, rather there is specific allegation of assault against the co-accused namely Md. Afsar. He further submits that the petitioner is the father of the co-accused namely Md. Afsar. He further submits that the real fact is that due to money transaction between the parties, the occurrence took place and on account of such dispute the petitioner has been falsely implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner and other accused persons. The petitioner is in custody since 27.02.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for 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 Additional Chief Judicial Magistrate-IX, Bhagalpur in connection with Habibpur P.S. Case No. 33 of 2021, 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)

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