

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44504 of 2021

Arising Out of PS. Case No.-16 Year-2021 Thana- PHULWARISHARIF District- Patna

Md. Nabi Hassan @ Nabi Hassan S/o Md. Alam R/o village- Ishopur Murgai
Tola, P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mrs. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-03-2022 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 Phulwarisharif P.S. Case No. 16 of 2021 registered for the offences punishable under Sections 365, 302, 201 of the Indian Penal Code.

According to prosecution case, the informant namely Md. Hafiz has written a report before Phulwarisharif police station stating therein that on 06.01.2021 his son Vakil @ Monu aged about 32 years came out from his house to anywhere but did not return then the informant and others traced him out but did not find him and again he searched him on 07.01.2021, he found his jacket on his bicycle and his dead body was recovered



in the village Kurkuri.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired in this case only when the dead body of the informant son was recovered and the informant alleged that the petitioner has killed his son. He further submits that during investigation nothing has come against the petitioner. He further submits that after investigation police has submitted the charge sheet against the petitioner. The petitioner is in custody since 30.01.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries one criminal antecedent other than the present one.

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, Patna in connection with Phulwarisharif P.S. Case No. 16 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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