

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48911 of 2021

Arising Out of PS. Case No.-70 Year-2020 Thana- RAUTA District- Purnia

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ABU SHAMSHER @ SHAMIR Son of Afaque @ Afad Alam Resident of
Village- Chilhani Tola Bolan, Palasbari, Police Station- Rauta, District-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 23-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 302, 201 and
34 of the Indian Penal Code.

As per the prosecution case, on receiving a phone call,
it is stated by the informant that her son went out and
subsequently his dead body was found.

It is submitted by learned counsel for the petitioner
that the FIR was registered against unknown. The name of the
petitioner transpired in course of investigation in the
confessional statement of Nasrin Khanam made before police.
The said Nasrin Khanam has been enlarged on bail vide order
dated 2.7.2021 passed in Cr. Misc. no. 12681 of 2021. The



petitioner is in custody since 29.8.2020 and has no criminal antecedent. It is further submitted that the trial is going on in the learned trial Court and the petitioner undertakes to cooperate in the trial.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that a number of prosecution witnesses have been examined and the trial is expected to conclude in the near future. The petitioner may not be enlarged on bail as thereafter he will not cooperate in the trial.

Having heard learned counsel for the parties and taking into consideration the facts of the case especially grant of bail to co-accused Nasrin Khanam on whose confessional statement the name of the petitioner transpired together with the petitioner having remained in custody for more than 1 year 6 months, the Court directs the petitioner to be enlarged on bail in connection with S.T. no. 160 of 2020 (arising out of Routa P.S. Case no. 70 of 2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge IV, Purnea subject to the following conditions :



(ii) One of the bailors shall be a close relative of the petitioner.

(ii) The petitioner shall remain present in Court on each date of the trial.

In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned Trial Court or in case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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