

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49719 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- KAJRAILICHAK District- Bhagalpur

MD. SAFI AHMED @ GOLU @ GUDDU Son of Md. Qyum @ Kaiyum
Resident of Mohalla - Mohadipur (Mohiuddin), Motiv Siphi, Middle School,
P.S. - Habibpur, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Kumar, Adv

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302,34 of the Indian Penal Code and Section 27 of Arms Act.

The FIR of the occurrence of murder is against unknown.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. The name of the petitioner has come during investigation on the basis of self-



confessional statement of the petitioner and self-confessional statement of co-accused, namely, Bippi Paswan. He further submits that the informant is not the eye witness of the alleged occurrence and nothing has been recovered from conscious possession of the petitioner but in fact the looted motorcycle was recovered from possession of the petitioner. He further submits that till date no T.I. Parade has been conducted by the police and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 30.09.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kajraili P.S. Case No. 67 of 2020 , 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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