

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49663 of 2021

Arising Out of PS. Case No.-84 Year-2021 Thana- SABAUR District- Bhagalpur

MD. SALAUDDIN @ MD. RAZA Son of Md. Tamil @ Md. Talim Resident
of Village - Bari Ibrahimpur, P.S.- Sabour, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey, Adv

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-05-2022 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 offence punishable under Sections 302,120(B) of the IPC and Section 27 of the Arms Act.

The prosecution case, in short, is that on 26.03.2021 one Bibi Rizwana submitted a written report to the S.H.O., Sabour alleging therein that when her husband Md. Kazim @ Kaju was standing near S.B.I. Bank at about 7.30 PM all the FIR named accused persons came there by motorcycle and four wheeler and fired upon him due to which he fell down and when



the informant came out she saw that her husband was lying dead on the road.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it is the admitted fact that there is land dispute between the parties and then name of the petitioner has falsely been implicated due to the aforesaid land dispute. He further submits that on 05.03.2022 the mother of the deceased (Md. Kaju) examined by the prosecution and she has specifically alleged that the Md. Shahnawaj who fired and killed the son of the witnesses and the petitioner is in custody since 27.03.2021.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner but fairly submits that the mother of the deceased has specifically alleged that Md. Shahnawaj who fired and killed the deceased (Md. Kaju).

Considering the aforesaid facts, 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 learned Court below where the case is pending in connection with Sabour P.S. Case No.84 of 2021,



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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