

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50458 of 2021

Arising Out of PS. Case No.-67 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

Md. Miraj @ Md. Meraj Son Of Kafil Hussain @ Md. Kapil Hussain
Resident Of Village - Makhdumpur, P.S. - Katihar Muffasil, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.K.Shahi , Sr. Adv.

For the Opposite Party/s : Mr. M.K.Nirala APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 08-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State .

Petitioner seeks bail in a case registered in connection with Katihar (Muffasil) P.S.Case No. 67 of 2020 for the offences punishable under Sections 302, 307, 326/34 of the Indian Penal Code and section 27 of the Arms Act.

At the very outset, learned senior counsel submits that earlier the prayer of the petitioner for grant of bail has been rejected by the learned co-ordinate Bench of this Court vide order dated 03.03.2021 in Cr. Misc. No. 31075 of 2020. It is further submitted that from the materials available on record it appears that the petitioner is not named in the FIR and in fact



the FIR was instituted against three unknown miscreants. It is further submitted that during the course of investigation, SIM No. 8709386284 which is suspected to be used at the time of commission of the crime as well as arms was recovered from possession of this petitioner, however, the Sim in question, was issued in the name of Majida Begum. It is also submitted that other persons have also been granted bail by this Court and so far the petitioner is concerned, he is in custody since 15.03.2020. It is also submitted that on the last occasion, the report with regard to the stage of trial was called for, however, there is no progress in the trial.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that during the course of investigation , ample material has come and earlier the bail application of the petitioner was rejected.

Having regard to the submissions made on behalf of the parties, and considering the fact that earlier the bail of the petitioner was rejected by the learned co-ordinate Bench of this Court however, even after lapse of more than 1 year 5 months, there is no progress in the trail of this case. Apart from the fact that this petitioner having fair antecedent, is in custody since 15.03.2020 ,let the petitioner, above named, be released on bail



on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Katihar in connection with Katihar (Muffasil) P.S.Case No. 67 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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