

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54959 of 2021

Arising Out of PS. Case No.-245 Year-2020 Thana- SABAUR District- Bhagalpur

Md. Heer @ Heeru @ Md. Heera @ Md. Heeru @ Heerawa Son Of
Salahuddin @ Salauddin @ Sahabuddin Resident Of Village- Ishakchak @
Ishachak, P.S- Ishakchak, Dist- Bhagalpur (BIHAR).

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak
For the Opposite Party/s : Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-04-2022 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 a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

According to prosecution case, the informant filed F.I.R. alleging therein that he got information on 04.09.2020 that somebody has murdered of his father. It was further alleged that before the incident, the accused persons as mentioned in F.I.R. have given threats earlier to withdraw the Sabour P.S. Case No. 144 of 2020 and have also given abusing and threat of



life and the accused persons were roaming at Paswan Tola on previous night under suspicious circumstances and informant stated that accused persons must have killed his father so that he cannot give evidence.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that nothing has come during the investigation against the petitioner and there is no eye witness of the alleged occurrence. He further submits that similarly situated, co-accused, namely, Md. Hasan has been granted bail by a co-ordinate Bench of this Court vide order dated 14.2.2022 passed in Cr. Misc. No. 33229 of 2021. The petitioner is in custody since 12.01.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries twelve criminal antecedents 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 Court below where the case is pending in connection with Sabour P.S.



Case No. 245 of 2020, 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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