

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56092 of 2021

Arising Out of PS. Case No.-54 Year-2017 Thana- BELAGANJ District- Gaya

MD. AFSAR @ MD. APSAR Son of Md. Ashraf @ Israil Mian Resident of
Village - Bhikha Chak, P.S.- Belaganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N. A. Shamsi, Adv

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2022 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 Section 302 of the Indian Penal Code.

Allegation against the petitioner is that he dashed the wife of the informant speedily, as a result of which she became seriously injured and during course of treatment, she died.

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 appears



from the FIR that the date of occurrence as alleged in the FIR is 22.02.2017 but the present FIR has been instituted on 27.02.2017 for delay of five days without any explanation of delay. He further submits that it appears from the FIR that no case is made out against the petitioner under Section 302 IPC rather Section 304A IPC will be attracted. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 23.07.2021.

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

Considering the facts and circumstances of the case, 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 Belaganj Police Station Case No.54 of 2017, 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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