

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56225 of 2021

Arising Out of PS. Case No.-20 Year-2020 Thana- BHADAUR District- Patna

MD SHAMIM AHMAD, Son of Late Amir Hasan Khan, Resident of Villeg -
Khajurar, P.S.- Bhadaur, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-03-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Bhadaur P.S. Case No. 20 of 2020 registered
for the offences punishable under Sections 302, 201 and 120(B)
of the Indian Penal Code. He is in custody since 20.06.2020.
The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant, Vijay Paswan, Chowkidar
alleged that the deceased, Murtaza @ Dahadu was killed by
some unknown persons due to love affair.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 20.06.2020.

Learned counsel submits that the name of the petitioner surfaced in this case after investigation by the Police. There is no eye witness of the alleged occurrence. From perusal of the First Information Report, it is clear that the present case has been lodged on mere suspicion.

Mr. Md. Fahimuddin, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner is not named in the F.I.R., the deceased was allegedly killed because of his love affair with the daughter of the co-accused Md. Mahtab Alam @ Mahtab Khan who has been granted bail by a learned coordinate Bench of this Court vide order dated 24.08.2021 in Cr. Misc. No. 13295 of 2021, this petitioner is the brother of Md. Mahtab Alam @ Mahtab Khan and he has been made accused only because of his relationship with the co-accused Md. Mahtab Alam @ Mahtab Khan as brother, the allegations are based on mere suspicion and he has been granted



bail by a learned coordinate Bench of this Court, the petitioner has otherwise no criminal antecedent and has remained in custody in connection with this case since 20.06.2020, his presence may also be secured in course of trial, therefore, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Sri P.K. Tiwari, learned Judicial Magistrate 1st Class, Barh, Patna in connection with Bhadaur P.S. Case No. 20 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

(Rajeev Ranjan Prasad, J.)

vats/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

