

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58822 of 2021

Arising Out of PS. Case No.-123 Year-2021 Thana- BENIPATTI District- Madhubani

Rehan Shaikh @ Md. Rehan Shaikh, Son of Imran Shaikh, Resident of Pupri,
Ward No. 09, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Benipatti P.S. Case No. 123 of 2021 registered for the alleged offences under Sections 302, 201 read with Section 34 of the Indian Penal Code.

The allegation against the petitioner is that he along with other co-accused persons murdered the son of the informant.

The learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case merely on suspicion as he was stated to be last seen in the company of the deceased. Nothing incriminating has been recovered at the instance of the petitioner. There has been unusual delay in lodging the FIR. There has been considerable time gap between the petitioner being seen with the deceased and the time of his death. The petitioner is in custody since 18.06.2021.

Learned APP has opposed the submission made on behalf of the petitioner. The learned APP submits the petitioner was last seen in the company of the deceased and there has been previous enmity as mentioned in the FIR.

Having regard to the submissions made hereinabove and considering the fact that in the case of circumstantial evidence, hardly anything of substance has come up during the investigation against the petitioner, who is in custody for more than one year, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Benipatti, Madhubani in connection with Benipatti P.S. Case No. 123 of 2021, subject to the following conditions :



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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