

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62051 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- BALIYA District- Begusarai

MD. MOKIM Son of Rushtam Resident of Village - Maniappa, Manipa, P.s.-
Matihani, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Adv.
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Section 365, 302, 201, 120B and 34 of the Indian
Penal Code.

The brother of the informant is said to have been
kidnapped by the petitioner and others.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner has not been named in the F.I.R. but merely on the
basis of confessional statement of the co-accused, Ghanshyam
Kumar, he has been apprehended in this case. He further submits
that as per the F.I.R., the brother of the informant has left his



house on 04.02.2021 whereas the present F.I.R. has been lodged on 07.02.2021 after lapse of three days without explaining the plausible delay. He further submits that it has come during course of investigation that co-accused, Ghanshyam Kumar and Nitu Devi were having the contract of killing of the deceased and this petitioner has no concern at all with the alleged occurrence. He further submits that save and except the confession of the co-accused, no cogent material has come during course of investigation against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that the trial of the case is not likely to be concluded in near future as the report received from court below reveals that the trial of the case is still pending for the examination of witnesses and out of six witnesses, only two have been examined till date. The petitioner is rotting in judicial custody since 15.02.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Balia P.S. Case No. 36 of 2021 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 canceled 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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