

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62523 of 2021

Arising Out of PS. Case No.-18 Year-2019 Thana- ALOULI District- Khagaria

Shahabuddin @ Md. Shahabuddin Son of Ahmad Rajak Resident of Village -
Belahi, P.S.- Bithan, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2022 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 Sections 365, 364, 120(B) of the Indian Penal Code.

As per prosecution case, it is alleged by the informant namely Zeenat Khatun that on 18.01.2019 at about 11:00 A.M. her relative co-accused md. Shohrab called her husband from mobile and her husband went to meet him and since then her husband is traceless. Her husband had also gone by Apache motorcycle. It is further alleged that accused persons also kept



such motorcycle.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation only on the basis of suspicion. He further submits that during investigation nothing has come against the petitioner and similarly situated co-accused persons namely Md. Rasid @ Raja Mohammad and Md. Khurshid have been granted bail by a Coordinate Bench of this Court vide order dated 01.07.2021 and 09.09.2021 in Cr. Misc. No. 9419 of 2021 and Cr. Misc No. 13982 of 2021 respectively. Police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.08.2021.

Learned APP for the State has 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/- (Rupees 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 Alauli P.S. Case No. 18 of 2019, G.R. No. 194 of 2019, 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 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 witness, 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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