

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67502 of 2021

Arising Out of PS. Case No.-864 Year-2013 Thana- AHIYAPUR District- Muzaffarpur

Md. Nizamuddin Son Of Md. Nathuni Sah Resident Of Village - Gangti
Bisunpur, P.S. - Ahiyapur, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Sunil Kumar Alias Sharma, Advocate
For the Opposite Party/s :	Mr. Akhileshwar Dayal, APP
For the Informant :	Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Ahiyapur P.S. Case No. 864 of 2013 registered for the offences punishable under Section 302 of the Indian Penal Code. He is in custody since 26.09.2021. The petitioner has got one criminal antecedent.

Learned counsel for the petitioner submits that as per the first information report itself the father of the informant was found dead at the North side of the road and he was bleeding by



his nose. The informant raised suspicion that his father has been killed by his cousin brothers namely Shakil and Nizamuddin.

Learned counsel submits that from the FIR, it would appear that the name of the petitioner was given on mere suspicion. Later on, the informant realized his mistake, therefore, he filed an affidavit in the learned court below stating that under some mistaken fact he had given the name of the petitioner.

Learned counsel for the informant has appeared and has submitted that earlier the informant had given the name of the petitioner on the basis of some suspicion but at this stage, he does not want to oppose the prayer for bail of the petitioner.

Learned APP for the State is also present and has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case wherein there is no eye witness to the occurrence and after finding his father in dead condition, the informant had lodged the FIR in which the name of the petitioner has been given suspecting him to be involved in the alleged occurrence but at this stage, learned counsel for the informant has categorically submitted before this Court that the informant has now been aware of the true fact and is not willing to prosecute the



petitioner, in the circumstances, this Court directs release of the petitioner above named 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 learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 864 of 2013, 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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'.

