

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3325 of 2023

Arising Out of PS. Case No.-9 Year-2012 Thana- KANTI District- Muzaffarpur

MD. KAUSHAR Son of Late Md. Yusuf R/o Village - Manikpur Narottam,
Sirsiya Buzurg, P.S.- Kanti, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 15-03-2023 Heard learned counsel for the petitioner and the State.

The petitioner is in judicial custody in connection with Kanti P.S. Case No. 09/2012 registered under Sections 302/201/120(B) of the Indian Penal Code.

As per the prosecution story, the nephew deceased came home late night whereafter three persons came on two motorcycles and took him away. It was later found that he was strangled and dead body was thrown in orchard. It is further alleged in the FIR that the accused persons used to transact money with his nephew and due to non-fulfillment of the demand, this killing was done. The informant apprehended that the accused persons named in the FIR as also the unnamed persons hatched conspiracy which led to killing of his nephew. The FIR was lodged on 04.01.2012 and thereafter the investigation was done. The petitioner's named cropped up in



course of investigation but he chose to evade arrest or in this case for nine long years and no plausible reason is there to support the said long absence.

Earlier the bail application was taken up vide Cr. Misc. No. 65346 of 2021 and rejected on 22.04.2022.

On 18.01.2023, a report was called for which has since been received and it has been informed that out of nine (9) charge sheet witnesses, three (3) witness have already been examined.

Learned counsel for the petitioner submits that the petitioner is in custody since 11.08.2022, no witness has appeared for last few months and a similarly situate case in Cr. Misc. No. 69011 of 2022, considering the period of custody, this Court granted bail on 04.01.2023.

Let the same be kept on record.

Considering the aforesaid order in Cr. Misc. No. 69011 of 2022 which relates to similar situate person as also that the petitioner too is in custody since 11.08.2022 (as stated in paragraph-11 of the petition), this Court is inclined to grant him relief.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of



like amount each to the satisfaction of learned Additional District & Sessions Judge - 20th, Muzaffarpur, in connection with Sessions Trial No. 141 of 2022 arising out of Kanti P.S. Case No. 09 of 2012 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is



allowed.

(Rajiv Roy, J)

Jagdish/ Neha-

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