

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7731 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- MATIHANI District- Begusarai

MD. ALAM Son of Md. AINU Resident of Village- Saidpur, P.S.- Matihani,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
04.07.2022, in connection with Matihani P.S. Case No. 75 of
2022, F.I.R. dated 09.06.2022, registered for the offences
punishable under Sections 326, 302 and 34 of the Indian Penal
Code.

Prosecution story is that the son of the informant is
alleged to have been killed by petitioner and others by inflicting
knife injury.

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 on the basis of suspicion.
He further submits that it appears from the F.I.R. that the



petitioner was accompanied with the co-accused, Md. Nasir, who allegedly inflicted knife blow upon the son of the informant. He further submits that there is no motive of the petitioner to kill the son of the informant rather it is Md. Nasir who with intention to kill the son of the informant gave knife blow over the deceased. The co-accused person, Md. Ismail @ Balister @ Md. Ismail Alam has already been granted bail vide order dated 28.04.2023 passed in Cr. Misc. No. 66123 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 10.06.2022.

The learned Additional Public Prosecutor for the State has vehemently 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 Judicial Magistrate Ist Class, Begusarai, in connection with Matihani P.S. Case No. 75 of 2022, subject to 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 antecedents, 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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