

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5849 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- BHAGWAN BAZAR District- Saran

MOHAMMAD AJAD Son of Md. Nasim R/o Mohalla- Nai Bazar, P.S-
Bhagwan Bazar, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
17.06.2022 in connection with Bhagwan Bazar P.S. Case No.
75/2022, F.I.R. dated 22.02.2022, for the offences punishable
under Sections 302, 120(B) and 34 of the IPC & Section 27 of
the Arms Act.

According to prosecution case, one Meraj Ahmad
called the son of the informant on telephone to take him Rs.
50,000/- and thereafter the son of the informant went for taking
money but the son of the informant did not return till late night
and in the morning the informant was informed on telephone
that her son has been killed by gun shot and his dead boy is
lying in the boundary of one Mahmood Alam. Thereafter the



informant along with her husband went there and saw the dead body of the deceased.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of re-statement of the informant. He further submits that except suspicion, no cogent material has come during investigation to connect the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 17.06.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned C.J.M., Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 75/2022, 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 witnesses, 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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