

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9818 of 2023

Arising Out of PS. Case No.-101 Year-2017 Thana- BALTHAR District- West Champaran

MD. MAINUDDIN @ MAINUDDIN @ MOIN S/O AHMAD MIYAN R/v-
Gauripur, Shekh Tola, P.S.- Balthar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
09.04.2019 in connection with S.Tr. No. 660 of 2019 (arising
out of Balthar P.S. Case No. 101 of 2017), F.I.R. dated
26.10.2017 for the offences punishable under Sections 302, 34
of the Indian Penal Code.

According to prosecution case, allegation in brief is
that the daughter of the informant, married 7 years back with
Junaid Akhtar, was killed by family members including the
petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that petitioner is not named in



the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Md. Nashrullah and Mohammad Nuraj @ Nurul @ Nurul Azam. He further submits that in fact the petitioner is not the family members of the deceased and except the confessional statement of co-accused namely, Md. Nashrullah and Mohammad Nuraj @ Nurul @ Nurul Azam no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Md. Nashrullah and Mohammad Nuraj @ Nurul @ Nurul Azam has been granted bail by a co-ordinate Bench of this Court vide order dated 10.04.2018 and 06.10.2018 passed in Cr. Misc. No. 20811 of 2018 and Cr. Misc. No. 59652 of 2018 respectively, another co-accused namely, Zunaid Akhtar who is husband of the deceased has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 02.07.2018 passed in Cr. Misc. No. 23307 of 2018. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 09.04.2019.

Vide order dated 08.05.2023 a report was called for



with regard to the present stage of trial. Report dated 18.05.2023 of the learned trial Court reveals that the prosecution has not examined any witnesses as yet.

Learned counsel for the petitioner further submits that in view of the report of the learned trial court that the trial is not concluded in near future and the petitioner is in custody since 09.04.2019 and similarly situated co-accused persons have been granted bail.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries eight criminal antecedents other than the present one and petitioner is on bail in five cases as mentioned in para-3 of the bail petition.

Considering the aforesaid facts and circumstances and period of custody, 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 Additional District and Sessions Judge-IV, Bettiah, West Champaran in connection with S.Tr. No. 660 of 2019 (arising out of Balthar P.S. Case No. 101 of 2017), 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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