

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16054 of 2023

Arising Out of PS. Case No.-183 Year-2021 Thana- JOGAPATTI District- West Champaran

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JAHIR HUSSAIN @ ZAHIR ALAM Son of Late Nurul Hoda R/v-
Banuchhapar, P.S.- Bettiah Mufassil (Banuchhapar O.P.), District- West
Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 302/201 of the Indian Penal
Code.

Based upon a recovery of a dead body kept in a plastic
sack near the Tirhut Canal, the instant case came into existence
and during course of investigation, the petitioner has confessed
his guilt of having killed the deceased.

Earlier the bail petition of the petitioner was rejected
vide order dated 17.05.2022 passed in Cr. Misc. No. 68141 of
2021. Again the petitioner approached this Hon'ble Court by
filing Cr. Misc. No. 74842 of 2022, which was dismissed as



withdrawn on 04.01.2023 with liberty to the petitioner to move afresh before the learned court below. Thereafter, the petitioner has filed the present bail petition.

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 there is no eyewitness of the alleged occurrence and except the self confessional statement of the petitioner, no other cogent material has come during investigation against the petitioner and the same has no evidentiary value in the eye of law. The petitioner is in custody since 05.06.2021.

Vide order dated 15.03.2023, a report was called for with regard to the present stage of the trial. Report dated 18.03.2023 of the learned trial court reveals that charge has been framed against the petitioner on 23.09.2022 under Sections 302, 201 of the Indian Penal Code but till date no prosecution witness has been examined. Learned counsel for the petitioner submits that in view of the report of the learned trial court, the trial is not likely to be completed in near future and the petitioner is in custody since 05.06.2021.

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 Court below where the case is pending in connection with S. Tr. No.543 of 2022, arising out of Jogapatti P.S. Case No.183/2021, 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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