

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17676 of 2023

Arising Out of PS. Case No.-404 Year-2022 Thana- KISHANGANJ District- Kishanganj

1. Moin Alam @ Moin Anwar Son Of Late Nurul Matin Resident Of Village Altabari Ps- Bahadurganj, District- Kishanganj
2. Md. Israr Alam @ Israr Anwar Late Nurul Matin Resident Of Village Altabari Ps- Bahadurganj, District- Kishanganj
3. Master Ehrar Alam @ Ehrar Alam Son Of Late Nurul Matin Resident Of Village Altabari Ps- Bahadurganj, District- Kishanganj
4. Master Shahryar @ Shahryar Pars Son Of Late Nurul Matin Resident Of Village Altabari Ps- Bahadurganj, District- Kishanganj
5. Master Mubassir Arfan @ Mubassir Alat Son Of Late Matloob Alam @ Md Matloob Alam @MD Matlub Alam Resident Of Village Altabari Ps- Bahadurganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumr Thakur Mr. Pravin Kumar, Advocates
For the Informant	:	Mr. Sunil Kumar, APP
For the State	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-08-2023 Heard Mr. Ajay Kumar Thakur, learned counsel appearing for the petitioners, Mr. Sunil Kumar, learned counsel appearing on behalf of the Informant and learned APP for the State.

2. Petitioners seeks bail, who are in custody since 10.10.2022, in connection with Kishanganj P.S. Case No. 404 of 2022, F.I.R. dated 29.09.2022 registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.



3. Allegation against the petitioners is that they along with other co-accused persons have committed the murder of the deceased.

4. Learned counsel for the petitioners submits that the petitioners carry one more case other than the present one and they have been falsely implicated in the present case. He further submits that the informant is not an eye witness of the alleged occurrence and even no one has seen the present occurrence and except suspicion, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence. He further submits that it has come during investigation in paragraph nos. 111 and 112 of the case diary that the independent witnesses who are brother and brother-in-law of the informant stated that deceased has informed them that Minhaz, Master Maqsood have assaulted the victim and the informant has not stated in F.I.R. with respect to his brother-in-law and his brother. He further submits that the statement of the driver of Ambulance was also recorded in paragraph-65 of the supplementary case diary in which he has informed that no family members were accompanied with the deceased from Kishanganj to Silliguri and the police after investigation



submitted chargesheet against the petitioners and the petitioners are in custody since 10.10.2022.

5. The learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners and submits that sufficient material has come during investigation to suggest the involvement of the petitioners in the present case and the trial is going on.

6. Considering the facts and circumstances of the case and the period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 404 of 2022, subject to the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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