

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21045 of 2023

Arising Out of PS. Case No.-2 Year-2021 Thana- BELSAND District- Sitamarhi

MD. ASHRAF SON OF MD. ALIM @ ALIM MIYA R/O VILLAGE-
JAFARPUR, P.S.- BELSAND, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Ms. Madhubala Verma, Advocate
For the State	:	Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2023 Heard Mr. N.K. Agrawal, learned Senior counsel for
the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since
05.04.2021, in connection with Belsand P.S. Case No. 02 of 2021,
F.I.R. dated 03.01.2021 registered for the offences punishable
under Sections 341, 323, 302, 201, 120(B), 504, 506/34 of the
Indian Penal Code.

Allegation against the petitioner is to commit murder
of the son of the informant along with other co-accused persons,
due to dispute developed during cricket game.

Learned Senior counsel for the petitioner submits
that the petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that in fact the
informant is not the eye witness of the alleged occurrence and



merely, as some dispute developed out of cricket match as per F.I.R., the petitioner was falsely implicated in the present case. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and the name of the petitioner has been transpired during investigation and it has come that the petitioner and other co-accused persons have killed the son of the informant. He further submits that the other co-accused persons namely Md. Wajid, Md. Alim, Md. Ayub, Md. Sahim, Md. Shahzad against whom the serious allegations have been granted bail by a Coordinate Bench of this Court vide order dated 05.12.2022 passed in Cr. Misc. No. 42881 of 2021 and its analogous cases and the case of the petitioner stands on similar footing. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.04.2021.

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 and the period of custody, 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 Additional District Judge-XII, Sitamarhi in connection with Belsand P.S. Case No. 02 of 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 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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