

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21039 of 2023

Arising Out of PS. Case No.-414 Year-2022 Thana- SHASTRINAGAR District- Patna

Md. Ali @ Bunty Son Of Md Avir Resident Of Mohalla - Samanpur Raja
Bazar Patna, P.S. - Shastri Nagar, Distt. - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s : Mrs.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Learned counsel for the petitioner is permitted to
make necessary correction in para-10 of the bail petition.

The petitioner seeks bail, who is in custody since
16.07.2022 in connection with S.Tr.No.1383 of 2022 arising
out of Shastri Nagar P.S. Case No. 414 of 2022, F.I.R. dated
13.07.2022 registered for the offence punishable under
Sections 302/34 of IPC.

As per prosecution case, informant alleged that on
12.07.2022 his brother was called by accused persons and
meanwhile co-accused Md. Faiz said to the informant's
brother to bring water but he did not go, on this matter the



three aforesaid persons started abusing and gave knife blow due to which brother of the informant sustained injury. After that he was taken to hospital, where his brother was declared dead.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Md. Shahil. Further submits that from bare perusal of the FIR it appears that there is no acquisition of any assault or overt-act attributed against the petitioner rather the petitioner has tried to save the brother of the informant and even the informant has not stated anything about the petitioner in the FIR and the co-accused, namely, Md. Raju Alias @ Md. Raju @ Md. Atteque Khan, was named in the FIR, has been granted bail vide order dated 23.05.2023 passed in Cr. Misc. No.19705 of 2023 and another co-accused namely, Md. Arif Quraishi @ Rishu@ Arif Qureshi has also been granted bail vide order dated 07.04.2023 passed in Cr. Misc. No.5294 of 2023 respectively by different Coordinate Benches of this Hon'ble



Court and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 16.07.2022.

Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 learned Additional Sessions Judge XI, Patna in connection with S.Tr.No.1383 of 2022 arising out of Shastri Nagar P.S. Case No. 414 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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