

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21568 of 2023**

Arising Out of PS. Case No.-221 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

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KHURSHID SAI SON OF LATE ASGAR SAI Village- Pachpakadiya Ps- GB
Nagar Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

- 3 14-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since
15.11.2022 in connection with G.B. Nagar P.S. Case
No.221/2022, dated 03.07.2022, for the offences punishable
under Sections 302, 201, 120(B) and 34 of the IPC.
3. According to prosecution case, the informant has
belief that the petitioner along with co-accused, namely, Danish
Sai have killed the son of the informant namely Serajuddin
Hawari by slitting his neck and to conceal the evidence, thrown
the dead body in the field of Dhaicha.
4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case merely



on the basis of suspicion. He further submits that due to previous enmity, the petitioner has falsely been implicated in the present case. He further submits that except the suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Danish Sai, who is also named in the F.I.R. has been granted bail by the learned court below itself and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.11.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in that case.

6. Considering the aforesaid facts and circumstances, 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 A.C.J.M.-III, Siwan in connection with G.B. Nagar P.S. Case No.221/2022, 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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