

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22003 of 2023

Arising Out of PS. Case No.-16 Year-2021 Thana- BHAIKAVSHTHAN District- Madhubani

Binod Kumar @ Binod Das @ Binod Vip @ Vinod Kumar Das Son Of Late Raghunath Das R/O Goraul, P.S- Goraul, Dist- Vaishali, At Present Tenant Of Late Naimun Khatoon, Mohalla- Pankhatoli, Near Kabristan, Ps- Kaji Mohammadpur Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bhairabasthan P.S. Case No. 16 of 2021 dated 16.02.2021, instituted for the offence punishable under Sections 439 and 440 of the Code of Criminal Procedure.

3. The prosecution story in short is that, on 14.02.2021, the informant's nephew left Delhi on train for his hometown but did not reach home on 15.02.2021 as expected. Later, on 16.02.2021 at about 08.00-08.30 am, police found dead body of his nephew.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It



is further submitted that petitioner is not named in the F.I.R. and his name has come in the F.I.R. only on the basis of confessional statement of Md. Akbar. It is further stated that nothing has been recovered from the possession of petitioner. Learned counsel for the petitioner further submitted that other similarly situated persons namely, Md. Jahid and Md. Azad have been granted bail by a Co-ordinate Bench of this court *vide* Criminal Miscellaneous Case No. 51532 of 2021 by order dated 16.05.2022 and Criminal Miscellaneous Case No. 50442 of 2021 by order dated 05.05.2022 respectively. It is further submitted that mobile of the deceased was recovered from the possession of Md. Azad. Lastly, it has been submitted that the petitioner is in custody since 09.12.2022, and has seven criminal cases and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Madhubani in Bhairabasthan P.S. Case No. 16 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

Sankalp/-

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