

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30154 of 2023

Arising Out of PS. Case No.-999 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

MD. AFTAB Son of Late Nisar Resident of Khiri Bandh, P.S.- Jagdispur,
Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anita Kumari Singh, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 31-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Kotwali
(Jogsar) P.S. Case No. 999 of 2022 registered for the offence under
Sections 302 and 379 of the Indian Penal Code.

3. The accused/petitioner is not named in the F.I.R. and is
in custody since 01.11.2022.

4. The allegation against the petitioner is to commit
murder of father of the informant alongwith other co-accused
persons.

5. Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner surfaced during the course of
investigation purely out of suspicion as the mobile set of deceased,
which was alleged to be stolen by co-accused Chhotey Mandal, was



used by his daughter. It is further submitted that as negotiation regarding purchase of said mobile did not materialised between Chhotey Mandal and daughter of petitioner and as such mobile set was returned back to Chhotey Mandal, which was recovered from his house. It is submitted that mere on the basis of these evidences in hand i.e., based upon Call Details Reports, petitioner cannot be implicated with present case of murder. While concluding the argument, it has been submitted that petitioner found involved in three more criminal cases of petty nature, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as implication of this petitioner is only out of suspicion arises out of Call Details Report, where mobile of deceased was recovered from the house of co-accused Chhotey Mandal coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 01.11.2022, accordingly, above named petitioner is directed to be released on bail in connection with Kotwali (Jogsar) P.S. Case No. 999 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XIV,



Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i)That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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