

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36455 of 2022

Arising Out of PS. Case No.-205 Year-2018 Thana- SIWAN CITY District- Siwan

QUADIR MIAN @ QUADIE MIAN @ QUADIR HUSSAIN @ ABDUL
QUADIR SON OF EHSAN R/O- VILLAGE- MAKHDOOM SARAI,
PURAB TOLA, P.S.- SIWAN TOWN, DIST.- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 17-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Siwan
Town (Sarai) P.S. Case No. 205 of 2018 registered for the
offences punishable under Sections 302, 201/34 of the Indian
Penal Code.

As per prosecution case, there is allegation that
informant's son was killed by some unknown persons by giving
blow of knife and stones.

Learned counsel for the petitioner submits that
petitioner is in custody since 27.02.2022 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is quite innocent and has committed no offence as alleged against him in FIR. He has falsely been implicated in the present case merely on suspicion. Learned counsel for the petitioner submits that petitioner is not named in FIR. The name of the petitioner has been transpired in this case upon the confessional statement of the co-accused Imteyaz Alam. Except the confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Co-accused Imteyaz Alam upon whose confessional statement the name of the present petitioner has been transpired in this case, has already been granted bail by co-ordinate bench of this Court vide Cr. Misc. No. 45057 of 2018 and the case of the present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused has already been granted bail by co-ordinate bench of this Court, charge sheet has been submitted in



the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 C.J.M., Siwan in connection with Siwan Town (Sarai) P.S. Case No. 205 of 2018, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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