

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41967 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- BAISI District- Purnia

MD SHAHFARAZ @ NANNEH S/O LATE MURSHID @ LATE MD.
MURSHID ALAM R/O Village- Minapur, P.S- Baisi, Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Helal Ahmad, Adv.
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar, APP
For the Informant	:	Mr. Satyendra Kumar Jha, Adv.
		Mr. Kumar Shubham, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-08-2023 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public Prosecutor
for the State.

2. Petitioner, who is in custody since 20.03.2023 seeks bail, in connection with G.R. No.1158/2023, arising out of Baisi P.S. Case No.98/2023, dated 02.03.2023, for the offences punishable under Sections 365/34 of the IPC. Later on Sections 302 and 201 of the IPC were added.

3. According to prosecution case, the informant suspects that the petitioner along with other co-accused persons have murdered the husband of the informant.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that initially the petitioner is not



named in the F.I.R. His name has been transpired during investigation on the basis of re-statement of the brother of the deceased. He further submits that the brother of the deceased only suspects that the petitioner is also involved in the present occurrence and no one has seen the occurrence and merely on the basis of suspicion, the petitioner has falsely been implicated in the present false and fabricated case and 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, Rajesh Baski @ Rajesh Adiwasi has been granted bail by this Court vide order dated 01.08.2023 passed in Cr. Misc. No.38851/2023 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.03.2023.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that there is admitted land dispute between the parties, so, the petitioner and co-accused persons have killed the deceased.

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 C.J.M., Purnea in



connection with G.R. No.1158/2023, arising out of Baisi P.S. Case No.98/2023, 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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