

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40675 of 2023

Arising Out of PS. Case No.-476 Year-2022 Thana- JOKIHAT District- Araria

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KHALID @ MD KHALID S/O MD. KHALIL R/O VILLAGE-
HARIABARA, WARD NO.9, PS. R.S O.P, DIST. ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with
Jokihat P.S. Case No. 476 of 2022 registered for the offences
under sections 302, 201 and 34 of the Indian Penal Code lodged
on 04.09.2022 by the informant, Majhar.

As per the prosecution story, the informant alleged
that his nephew who was a truck driver after loading the
consignment was moving from Mumbai to Guwahati alongwith
the present petitioner (*khalasi*). Later, when he tried to contact
his nephew, his mobile was switched off and thereafter he



contacted the present petitioner, who informed that he got down near his house.

Later, the petitioner also went to the place where the truck has overturned but the dead body of the driver was kept hidden in a box of the truck. Accordingly, the FIR.

Learned Counsel for the petitioner submits that he had alighted from the truck at Hariabara Toll Plaza and thereafter, one Rafik boarded the truck and when he came to know about that he has been implicated surrendered within 15 days.

Further, the consignment was intact and as such, it cannot be a case of loot. Lastly, it was flashed in the local area that the alleged occurrence took place due to some dispute with the local sexual workers.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that it is unbecoming for a '*khalasi*' to alight between the journey.

Taking into account the submissions put forward by the learned Counsel for the petitioner that he has no criminal antecedent, is in custody immediately after the date of occurrence when he himself surrendered and as per the FIR itself, he was on communication and had received the phone call of the informant regarding whereabouts of the deceased, this



Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 476 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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