

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43620 of 2023

Arising Out of PS. Case No.-148 Year-2022 Thana- SIMRI District- Darbhanga

Md Arzoo Khan @ Arzoo Khan Son Of Md. Shahid Khan @ Md. Sayeed
Khan Resident Of Village- Senapat, P.S- Town, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshul, Advocate

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2023 Heard Mr. Anshul, learned counsel for the petitioner
and learned APP for the State.

2. Petitioner seeks bail, who is in custody since 18.03.2023, in connection with Simri P.S. Case No. 148 of 2022, F.I.R. dated 07.08.2022 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The husband of the informant is said to have been killed by the petitioner in association of other co-accused by calling him on telephone. The reason behind the occurrence is said to be previous land dispute.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that as per allegation in the



F.I.R. the petitioner had called the husband of the informant and his dead body was found near the Sobhan Ekmi Bypass road and thereafter on the basis of CCTV footage the petitioner was identified that he was present at the place of occurrence. Learned counsel for the petitioner draws our attention at paragraph-22 of the case diary that although the so-called CCTV footage suggests that the dead body was mentioned on 19.06.2022 but the present occurrence had taken place on 06.08.2022. Learned counsel for the petitioner further submits that on the basis of CCTV footage which was recorded on 19.06.2022 the petitioner cannot make accused in the present case and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.03.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more cases other than the present one in which he is on bail.

6. Considering the facts and circumstances of the case, 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 Chief Judicial Magistrate, Darbhanga in connection with Simri P.S. Case No. 148 of 2022, 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 witness, 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 antecedents, 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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