

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47592 of 2023

Arising Out of PS. Case No.-26 Year-2018 Thana- RAMGARHWA District- East Champaran

MD. MAINUDDIN @ MOEEN son of Ahmed Miyan @ Ahmed Hussain
Village- Sheikh Tola Gauripur Ps- Balthar Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gaurav Prakash, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 28.05.2018 seeks
bail, in connection with Ramgarhwa P.S. Case No.26/2018,
dated 13.02.2018, for the offences punishable under Sections
302, 201, 379 and 34 of the IPC.

3. According to prosecution case, some unknown
persons are alleged to have killed the husband of the informant
and also looted his Scorpio vehicle bearing registration no.
BR05PA-2183.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. The
name of the petitioner has been transpired on the basis of



confessional statement of co-accused namely Kamrul Hoda and on the basis of confessional statement of co-accused, the vehicle in question has been recovered from the possession of the accused persons and except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.05.2018.

5. 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 has carried eight criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the aforesaid cases.

6. Vide order dated 03.08.2023 a report was called for from the learned trial court regarding the present stage of the trial. Report dated 02.09.2023 of the learned trial court reveals that the case has been committed on 02.09.2023.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial court, the trial is not likely to be concluded in near future and the petitioner is in custody



since 28.05.2018 i.e. for more than five years.

6. Considering the report of the learned trial court as well as period of custody, 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 S.D.J.M., Raxaul at Motihari in connection with Ramgarhwa P.S. Case No.26/2018, 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)

amit/-

U		T	
---	--	---	--

