

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50295 of 2022

Arising Out of PS. Case No.-285 Year-2019 Thana- KUDHNI District- Muzaffarpur

Md. Chand S/o Md. Murtuja R/o village- Barasumera, P.S.- Kudhani
(Kudhni) (Turki O.P.), District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Nitu Kumari, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that the accused persons namely Amit Kumar, Tilak Sharma and Prem Sah took away his son Md. Javed Akhtar in the night hour and shot him dead and his dead body was found in the early morning in a bamboo clamp. During investigation, police arrested co-accused persons including the petitioner and they have confessed their complicity in causing death of informant's son.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the



petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused persons and the self confessional statement of the petitioner. He further submits that except the aforesaid, no other cogent material has come during investigation against the petitioner and co-accused person namely Tilak Kumar @ Tilakana has been granted bail by a Coordinate Bench of this Court vide order dated 03.06.2020 passed in Cr. Misc. No. 64306 of 2019, another co-accused person namely Md. Azad has been granted bail by a Coordinate Bench of this Court vide order dated 21.12.2020 passed in Cr. Misc. No. 30241 of 2020, another co-accused person namely Md. Shaiyare has been granted bail by a Coordinate Bench of this Court vide order dated 23.02.2021 passed in Cr. Misc. No. 376 of 2021, another co-accused person namely Md. Osama has been granted bail by a Coordinate Bench of this Court vide order dated 27.07.2021 passed in Cr. Misc. No. 5398 of 2021 and the case of the petitioner stands on better footing. He further submits that the petitioner is in custody since 19.05.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody, 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 Court below where the case is pending in connection with Kudhani (Kurhni) (Turki O.P.) P.S. Case No. 285 of 2019, with 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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