

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51698 of 2022

Arising Out of PS. Case No.-226 Year-2022 Thana- JAMUI District- Jamui

MD. EQBAL @ RINKU @ D.K. SON OF MOHAMMAD JABBAR @
KARA RESIDENT OF VILLAGE- PATHAN CHOWK, (THANA CHOWK)
P.S. JAMUI, DISTRICT- JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 08-02-2023 Learned counsel for the petitioner is permitted to make necessary correction in para 7 of the bail petition during the course of the day.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Jamui P.S. Case No. 226 of 2022 registered for the offences punishable under Sections 302 and 120(B) of the IPC and Section 27 of the Arms Act.

As per prosecution case, petitioner and others under conspiracy committed the murder of informant's son.

Learned counsel for the petitioner submits that petitioner is in custody since 19.05.2022 and bears criminal



antecedent of three cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that from perusal of the FIR, it appears that there is no eye witness of the alleged occurrence. Nobody has seen the petitioner with the deceased anywhere and anytime, which creates doubt regarding the prosecution story. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Learned counsel orally submits that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that co-accused Bittu @ Faiyaz and Md. Masum Shaikh @ Md. Masum Sekh have already been granted bail vide Cr. Misc. No. 48638 of 2022 and Cr. Misc. No. 44474 of 2022 respectively by a co-ordinate Bench of this Court and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 C.J.M, Jamui in connection with Jamui P.S. Case No. 226 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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

