

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55268 of 2023

Arising Out of PS. Case No.-310 Year-2023 Thana- MAJHAULIA District- West Champaran

Md. Mahmud Alam @ Md. Mahmud Miyan S/O Aash Mohmad Miyan
Residents Of Village- Godha Semra, P.S- Majhauriya, District- West
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
29.04.2023 in connection with Majhauria P.S. Case No.310 of
2023, F.I.R. dated 27.04.2023 for the offences punishable under
Sections 302/201/34 of the Indian Penal Code.

3. The grant daughter of the informant is said to have
been murdered by the petitioner and other accused persons.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the basis of the
suspicion. He further submits that even no one has seen the



alleged occurrence and except the suspicion no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and even the C.D.R. location of the petitioner which was mentioned in para-56 and 83 of the case diary that the petitioner was not in contact with other co-accused persons and without any cogent evidence the police has filed the chargesheet against the petitioner on 25.07.2023 and the petitioner is in judicial custody since 29.04.2023.

5. Learned counsel for the informant and learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence but fairly submits that the C.D.R.location of the petitioner suggests that the petitioner was not in touch with other co-accused persons.

6. Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, West Champaran at Bettiah in connection



with Majhauria P.S. Case No.310 of 2023, subject to the following conditions:-

I. 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.

II. 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.

III. 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)

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