

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57153 of 2022

Arising Out of PS. Case No.-82 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

MD. MOZIM SON OF MD. AALAM MIYA @ ALAM MIYAN R/O-
VILLAGE- HARSHER @ HARSER, P.S.- SIWAIPATTI, DISTT.-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate.

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

According to prosecution case, on 10.07.2021, the
father of the informant had gone to Mallah Toli of the village at
about 11.00 A.M. for providing milk but even after lapse of two
hours, he did not return.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. that nothing has been alleged against the



petitioner and the informant is not an eyewitness to the alleged occurrence. The alleged date of occurrence, as per F.I.R. is 10.07.2021 but the F.I.R. has been instituted on 19.07.2021, after a delay of nine days without giving any information of delay. The police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.02.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Siwaipatti P.S. Case No. 82 of 2021, 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)

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