

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51883 of 2022

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

MD. SHAHBAZ S/o Md. Sarfaraj @ Gorelal R/o village- Azad Nagar (Purani Bazar), P.S.- Jamui, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52551 of 2022

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

MD. IMRAN @ IMRAN KHAN Son of Md. Moiz Khan @ Angrez Mian Resident of Village - Azad Nagar, P.S.- and Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56352 of 2022

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

TANNU YADAV @ GAURAV KUMAR S/o Sakendra Yadav @ Sako Yadav Resident of Village- Bela Tand, P.S.- Laxmipur, District- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 51883 of 2022)

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Informant : Mr. Md. Irshad, Advocate

For the State : Mr. Rajendra Singh Shastri, APP

(In CRIMINAL MISCELLANEOUS No. 52551 of 2022)

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Informant : Mr. Md. Irshad, Advocate

For the State : Mr. Binod Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 56352 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Advocate

For the Informant : Mr. Md. Irshad, Advocate



For the State : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 03-04-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 302/120(B) of the Indian Penal Code and Section 27 of the Arms Act.

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

Learned counsel for the petitioners submits that the petitioner, namely, Md. Shahbaz carries seven more cases, petitioner, namely Md. Imran @ Imran Khan carries one more case as well as petitioner, namely, Tannu Yadav @ Gaurav Kumar carries two more cases other than the present one, in which they are on bail in all the cases. Learned counsel for the petitioners further submits that the petitioners have been falsely implicated in the present case only on the basis of suspicion. He further submits that the informant is not an eye witness of the alleged occurrence and except the confessional statement of co-accused persons and the self confessional statement of the petitioners, no other cogent material has come during investigation against the petitioners. He further submits that co-accused person namely Md. Masum Shaikh @ Md. Masum Sekh @ Masum Saikh has been



granted bail by a Coordinate Bench of this Court vide order dated 08.12.2022 passed in Cr. Misc. No. 44474 of 2022, another co-accused person namely Bittu @ Faiyaz has been granted bail by a Coordinate Bench of this Court vide order dated 20.12.2022 passed in Cr. Misc. No. 48638 of 2022, another co-accused person namely Md. Eqbal @ Rinku @ D.K. has been granted bail by a Coordinate Bench of this Court vide order dated 08.02.2023 passed in Cr. Misc. No. 51698 of 2022 and another co-accused person namely Md. Raj has been granted bail by a Coordinate Bench of this Court vide order dated 10.02.2023 passed in Cr. Misc. No. 60253 of 2022 and the case of the petitioners is on similar footing. He further submits that the petitioners are in custody since 19.05.2022.

Learned counsel appearing on behalf of the informant as well as learned APP for the State, on the other hand, have opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case and the period of custody, let the petitioners, above named, be released on bail **after framing of charge, if not framed**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Jamui P.S. Case No. 226 of 2022, with the following conditions :-



(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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