

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66514 of 2021

Arising Out of PS. Case No.-180 Year-2019 Thana- ASHOK PAPER MILL District-
Darbhanga

=====

Md. Amirul S/o Md. Alim R/o village- Auliyabad, P.S.- Hayaghat, District-
Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi
For the Opposite Party/s : Mr. Anil Kumar

=====

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

7 29-03-2023 The applicant/accused in Crime No. 180 of 2019

registered with Ashok Paper Mill Police Station for the offences
punishable under Sections 302/201/120B read with Section 34
of the Indian Penal Code as well as Section 27 of the Arms Act,
by this application is seeking his release on bail during
pendency of the trial.

His earlier application was rejected by the coordinate
Bench of this Court vide order dated 27.01.2021 passed in Cr.
Misc. No.23405 of 2020.

Heard the learned counsel appearing for the
applicant/accused as well as learned Additional Public
Prosecutor appearing for the State.

The learned counsel for the applicant argued that



after rejection of the first bail application of the applicant by the coordinate Bench of this Court, this Court vide order dated 12.05.2022 in Cr. Misc. No.29598 of 2021, has been pleased to direct release of co-accused named Driver Md. Rizwan @ Md. Rizwan on bail and evidence against the applicant as well as the said accused is identical in nature. It is further argued that the trial is unduly prolonged for no fault on the part of the applicant/accused.

The learned Additional Public Prosecutor opposed the application by contending that the crime in question is serious.

I have considered the submissions so advanced and also perused the materials placed on record including the order dated 12.05.2022 passed by this Court. The case is based on circumstantial evidence.

According to the prosecution case, deceased Md. Shaif @ Munna was proceeding in his vehicle driven by his driver Md. Rizwan. On the way, accused Md. Amirul and co-accused Md. Rabbani sought lift and entered in that vehicle. The prosecution further averred that in a night hour First Informant Md. Basir who happens to be father of deceased Md. Shaif @ Munna got a phone call informing him that his



son Md. Shaif @ Munna has been killed by firing a bullet.

Case of the prosecution is based on circumstantial evidence and the materials sought to be relied by the prosecution is confession of co-accused as well as confession of the applicant/accused. The applicant is reportedly undergoing pretrial detention from 05.12.2019. Co-accused Driver Md. Rizwan was released on bail and evidence against the present applicant is same as is available against said accused and hence on the principle of parity, the following orders:-

i. The application is allowed.

ii. The applicant/accused in Crime No. 180 of 2019 registered with Ashok Paper Mill Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing two sureties of the like amount to the satisfaction of the trial court i.e., learned A.C.J.M.-V, Darbhanga, with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the



trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove the defects as pointed out by the Registry within a period of one week.

(A. M. Badar, J)

Mkr./Saurabhkrsinha/-

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

