

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55555 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- SIKARPUR District- West Champaran

SHEKH IJAHAR @ MOD. IJAHAR S/O SEIKH HAQDAR @ MD.
HAQDAR Resident of Village- Chand Barwa, Ward No.2, P.S.- Sathi,
District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bikramdev Singh, Adv.
Mr. Vijay Kr Singh No. 1, Adv.
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
12.03.2022, in connection with Shikarpur P.S. Case No.
145/2022, F.I.R. dated 24.02.2022, for the offences punishable
under Sections 365, 353, 302, 201 and 120(B) of the Indian
Penal Code.

According to prosecution case, on 20.11.2021, the
petitioner along with other co-accused persons came to the
house of informant and taken away the deceased to Kathmandu
by bluffing. On 04.12.2021 the informant received information
that his brother was murdered and thereafter the informant went
to the house of accused persons but they were not present there.



Informant had belief that the petitioner along with other co-accused persons have killed his brother.

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case on the basis of suspicion and the informant is not an eyewitness of the alleged occurrence. He further submits that except the confessional statement of the petitioner, no cogent material has come during investigation against the petitioner and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.03.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries six criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge 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, Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 145/2022, 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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