

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59279 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- BANGARA District- Samastipur

MD. AFROJ @ AFROJ AHMAD @ GINNI son of Late Md. Kasim Village-
Deeh Sarsauna Ps- Bangara Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is an accused in connection with N.H.Bangara P.S. Case No. 38 of 2023 registered for the offences under sections 302 and 34 of the Indian Penal Code lodged on 26.03.2023 by the informant, Sagufta Pravin.

3. As per the prosecution story, the allegation is that the informant's father left on cycle but was killed midway. This followed the FIR against unknown.

4. During investigation, the name of the accused persons cropped up.

5. It is the case of the petitioner that there is no eye witness to the occurrence, the petitioner do not have any criminal antecedent, police has been requested for investigating the matter properly and he has taken this Court to Annexure 3 to show that he at the particular period was serving with his



employer.

6. Learned APP for the State, on the other hand, opposes the prayer for bail stating that his name has come during the course of investigation.

7. Considering the submissions put forward by the parties, admittedly, there is no eye witness to the occurrence, the petitioner is in custody since 21.05.2023 (as stated in paragraph 15 of the bail application), do not have criminal antecedent, FIR lodged, charge sheet submitted and will be facing the trial, this Court is inclined to extend him privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Samastipur in connection with N.H.Bangara P.S. Case No. 38 of 2023 (G.R. No. 1014 of 2023), subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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