

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64207 of 2023

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

MD.FIROJ AHMAD @ FIROJ AHMAD 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.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with N.H. Bangara P.S. Case No.38 of 2023, F.I.R. dated 25.03.2023 registered for the offence punishable under Sections 120(B) of the IPC.

3. The FIR of the occurrence of murder is against unknown.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and during the course of investigation his name has been transpired. Further submits that during investigation the statement of the co-accused person, namely, Afroj Ahmad @ Ginni was recorded in which he has further



stated that the petitioner was involved in the present crime in question and he has actively participated in the murder of the deceased. He further submits that except the confessional statement of co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and no one has seen the present occurrence.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner and referring the paragraph no.42, 43 and 46 of the case diary which suggest that due to land dispute the petitioner might killed the deceased.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Samastipur in connection with N.H. Bangara P.S. Case No.38 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



(i) 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 bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) 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 antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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