

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60253 of 2022

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

MD. RAJ Son of Bablu Resident of Village- Paithan Chowk, P.S. and District-
Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan Singh, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Md. Irshad, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner seeks 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.

According to prosecution case, on 17.05.2022 in the
night at about 9.00 P.M., the son of the informant namely, Md.
Sonu went from house saying that Md. Raj, Shahbaj Miyan,
Tannu Yadav, Md. Iqbal @ Riku @ D.K., Imran Khan, Md.
Masum Sekh and Bittu @ Faiyaj has called him to conciliate the
matter at Tripurari ghat. At about 10.15, he received message
that in the name of conciliation, accused persons called him and



killed him by firing on his chest. On strong suspicion, informant lodged the case against the accused persons.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact there is no eyewitness to the alleged occurrence and on the basis of suspicion, the petitioner has falsely been implicated in this case. He further submits that except suspicion, there is no cogent material has come during investigation against the petitioner and co-accused namely, Md. Masum Shaikh @ Md. Masum Sekh @ Masum Saikh has been granted bail by a co-ordinate Bench of this Court vide order dated 08.12.2022 passed in Cr. Misc. No. 44474 of 2022, other co-accused namely Bittu @ Faiyaz has been granted bail vide order dated 20.12.2022 passed in Cr. Misc. No.48638 of 2022 and other co-accused namely Md. Eqbal @ Rinku @ D.K. has been granted bail vide order dated 08.02.2023 passed in Cr. Misc. No.51698 of 2022. The police after investigation, submitted charge sheet against the petitioner. The petitioner is in custody since 19.05.2022.

The learned Additional Public Prosecutor and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner.



Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Jamui P.S. Case No. 226/2022, 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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