

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58611 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- PIPRAKOTHI District- East Champaran

MD. SABIR ALI @ MD. SABIR ALAM @ BADKA SON OF MD
SULEMAN SIDDIQUE R/O VILLAGE- JIWDHARA, P.S.- PIPRAKOTHI,
DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abu Bakar, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 452, 380, 302, 201 and
120(B)/34 of the Indian Penal Code.

According to prosecution case, on 08.02.2022 at 10.30
in the morning, when the informant Rashida Anwar reached at
the house of deceased, the room of deceased was found opened
and Rs. 2 lac and ornaments were not there. Thereafter the
villagers raised alarm that one dead body was thrown away at
Chandriha canal, which was identified as Jishan Anwar
(deceased). The reason behind the occurrence is said to be the
land dispute.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the statement of the witnesses. They stated before the police that the petitioner was seen going along with the deceased towards the home of the petitioner. He further submits that except the aforesaid, no other cogent materials have come during investigation against the petitioner to show the complicity of the petitioner in the present occurrence. The police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.06.2022.

The learned Additional Public Prosecutor has 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 Pipra Kothi P.S. Case No. 40/2022, 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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