

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66123 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- MATIHANI District- Begusarai

MD. ISMAIL @ BALISTER @ MD. ISMAIL ALAM Son of Md. Monabir
@ Md. Monabar @ Monabar Resident of Village- Saidpur, P.S.- Matihani,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Matihani P.S. Case No. 75 of 2022 dated 09.06.2022
registered for the offence under Sections 326, 302 and 34 of
the Indian Penal Code.

The son of the informant is alleged to have been
killed by petitioner and others by inflicting knife injury.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case on the
basis of suspicion. He further submits that it appears from
the F.I.R. that the petitioner was accompanied with the co-



accused, Md. Nasir who allegedly inflicted knife blow upon the son of the informant. He further submits that there is no motive of the petitioner to kill the son of the informant rather it is Md. Nasir who with intention to kill the son of the informant gave knife blow over the deceased. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 10.06.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Judicial Magistrate-1st Class, Begusarai in connection with Matihani P.S. Case No. 75 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled



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.

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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