

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.881 of 2023

Arising Out of PS. Case No.-144 Year-2021 Thana- BALIYA District- Begusarai

MD. IMTIYAZ S/O Late Md. Iliyas R/O Village- Bari Ballia, P.S- Balia,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
23.05.2021 in connection with Ballia P.S. Case No.144/2021,
F.I.R. dated 22.05.2021, for the offence punishable under
Section 302 of the Indian Penal Code.

According to prosecution case, the local witness
informed the informant, who is posted as Sub-Inspector at Ballia
Police Station, that the petitioner in drunkard condition killed
his son namely Shah Alam.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that initially
U.D. Case No. 06/2021 was registered with the alleged



occurrence but during course of investigation, on the basis of statement of two independent witnesses, the present F.I.R. has been instituted against the petitioner. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that except suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 23.05.2021.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Vide order dated 19.04.2023 a report was called for with respect to the stage of the trial. Report dated 24.05.2023 of the learned Trial Court reveals that charge has been framed against the petitioner under Section 302 of the Indian Penal Code on 22.05.2023 and till date the prosecution has not examined any witness.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to



be concluded in near future and the petitioner is in custody since 23.05.2021.

Considering the aforesaid facts and period of custody, 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 Sri Kundan Kumar Gupta, J.M.1st Class, Begusarai (or his successor) in connection with Ballia P.S. Case No. 144/2021, 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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