

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25445 of 2024

Arising Out of PS. Case No.-18 Year-2019 Thana- ALOULI District- Khagaria

Md. Wokil S/o- Md. Rashid, R/o Village- Bachato, PS- Morkahi, Dist-
Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Budhilal Yadav, Advocate
For the State : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-08-2024 Heard Mr. Budhilal Yadav, the learned counsel for
the petitioner and Mr. Mukesh Kumar Singh, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
12.10.2023, in connection with Suppl. Alauli P.S. Case No. 18
of 2019, FIR dated 20.01.2019, registered for the offences
punishable under Sections 365, 364 and 120(B) of the Indian
Penal Code.

3. According to the prosecution case, on 18.01.2019,
informant's relative namely, Md. Shaurav called her husband
from mobile and her husband went to meet him and since then
informant's husband remains traceless.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
further submits that petitioner is not named in the FIR and name



of petitioner transpired during investigation on the basis of confessional statements of the co-accused persons namely, Md. Rashid and Md. Khurshid, which is recorded in paragraph no. 197 and 240 of the case diary. He further submits that except the confessional statements of the co-accused persons, no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence. He further submits that the co-accused persons namely, Md. Rashid @ Raja Mohammad, Md. Khurshid, Shahabuddin @ Md. Shahabuddin and Parmanand Yadav @ Paro Yadav have been granted bail by this Court as well as different Benches of this Court vide orders dated 09.09.2021, 01.07.2021, 10.05.2022 and 19.04.2023 passed in Cr. Misc. No. 9419 of 2021, Cr. Misc. No. 13982 of 2021, Cr. Misc. No. 62523 of 2021 and Cr. Misc. No. 445 of 2023 respectively. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 12.10.2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that name of petitioner has transpired during investigation and apart from that petitioner carries one criminal antecedent other than the present one,



however, he fairly admits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner is not named in the FIR, his name transpired on the basis of confessional statements of the co-accused persons and the said co-accused persons have been granted bail, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, in connection with **Suppl. Alauli P.S. Case No. 18 of 2019**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial



Court 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 learned trial Court 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)

Shahnawaz/-

U		T	
---	--	---	--

