

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42616 of 2024

Arising Out of PS. Case No.-45 Year-2015 Thana- CHANAN District- Lakhisarai

MD. JAMIL @ MD. JIMAL SAH @ MD. JAMIL SAH @ MD. JAMIR SON
OF LATE NASIR SAH @ NASHIR SAH VILLAGE- KAMLA, WARD NO.
15, P.S.- CHERIYA BARIYARPUR, DISTT.- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 06-09-2024 Heard Mr. Sandip Kumar Gautam, learned counsel for
the petitioner and Mr. Bharat Bhushan, learned APP for the
State.

2. The petitioner is in judicial custody in connection
with Chanan P.S. Case No. 45 of 2015 instituted under Section
302, 201/34 of the Indian Penal Code lodged on 11.05.2015 by
the informant, Ramakant Paswan.

3. As per the FIR, on 11.05.2015 informant received
information that one dead body is lying on the road. He went
there and saw the dead body with blood started oozing from its
back side. Accordingly, the FIR.

4. During the course of the investigation, the name of
the petitioner cropped up and as such, after knocking the doors



of the Court to remain outside jail, having failed, finally came into judicial net on 23.11.2022 (paragraph-15 of the petition).

5. Learned counsel for the petitioner submits that the body was found on the road, during investigation, his name has been dragged which resulted into his implication in this case.

6. Learned APP opposes the prayer submitting that his name has cropped up during the course of investigation.

7. In this case, the status report was called for from the learned Trial Court and vide letter no. 78 dated 12.07.2024, the same has been submitted stating that out of 13 witnesses only three witnesses have been examined.

8. Considering the aforesaid facts as also the submissions and the period of custody and since there is delay in the conclusion of trial, this Court is inclined to grant him privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-III, Lakhisarai, in connection with Chanan P.S. Case No. 45 of 2015 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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