

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48649 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- HABIBPUR District- Bhagalpur

Md. Imtiaz @ Kanha son of Late Fakruddin @ Feku Miyan Mohalla-
Mogalpura Husainabad Ps- Babarganj Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv
Mr. Md.Najmul Hodda, Adv
Ms. Diksha Kumari, Adv

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-10-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner seeks bail in connection with a case registered for the offence punishable u/s 302, 120B and 34 of the IPC and Section 27 of Arms Act.

3. As per the prosecution case, the petitioner along with other co-accused persons killed Rakesh Kumar by means of fire arms.

4. It is submitted by learned Senior Counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case due to enmity. There is general and omnibus allegation against the petitioner. Petitioner is not



named in the FIR, his name transpired in the case on the basis of confessional statement of apprehended co-accused. It is further submitted that charge has been framed against the petitioner on 03.09.2024. The petitioner has six criminal antecedent and has been rotting in judicial custody since 15.03.2024.

5. Learned APP for the State opposed the prayer for bail.

6. Considering the facts and circumstances of this case and the period of custody, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/the Successor Court, in connection with Habibpur P.S. Case No.75 of 2023, subject to the following conditions:

(i) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate



the proceeding for cancellation of bail on ground of misuse.

(iii) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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