

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69635 of 2023

Arising Out of PS. Case No.-573 Year-2022 Thana- AMARPUR District- Banka

MD. SUFIYAN @ SONU @ MD. SUPHIAN @ MD. SUPHION S/O MD.
SATTAR R/O VILLAGE- DUMARAMA, P.S- AMARPUR, DISTT.-
BANKA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 02-02-2024 Heard the parties.

2. The petitioner is in custody in connection with S.T. No. 259 of 2023 arising out of Amarpur P.S. Case No. 573 of 2022 for the offence under Section 365 of the Indian Penal Code later on Sections 302 and 201 of the Indian Penal Code is added lodged on 16.10.2022 by the informant, Md. Chhabi.

3. Earlier the case of the petitioner was heard and rejected vide order dated 21.07.2023 passed in Cr. Misc. No. 40464 of 2023.

3. Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide letter no. 139 dated 17.10.2023 according to which the case has been fixed for evidence whereafter bailable



followed by non-bailable warrant has been issued against the accused, Md. Hasim for his appearance.

4. As per the prosecution story, the informant alleged that his son on call went out but later disappeared. Thereafter, his dead body was found. Accordingly, the FIR.

5. Learned counsel for the petitioner submits that he do not have criminal antecedent and earlier also it was wrongly incorporated in the learned Session Judge order. Further, save and except his conversation with the lady, Bibi Sabina Khatoon nothing incriminating has come against him in course of investigation, he is ready to diligently appear in the trial.

6. Learned APP opposes the prayer stating that he was in conversation with the lady at the time Fayaduddin disappeared.

7. Taking into account the report submitted by the Trial Court, there is no likelihood of conclusion of trial, the petitioner is in custody since 21.10.2022 (as stated in paragraph 15 of the petition), similar situations accused persons have been granted bail as incorporated in Annexure-3, he do not have criminal antecedent and the petitioner is ready to cooperate in the trial, this Court is inclined to extend him privilege of bail.

8. 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 Sessions Judge I, Banka in connection with S.T. No. 259 of 2023 arising out of Amarpur P.S. Case No. 573 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 month till the conclusion of the trial 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.



9. With the aforesaid observations, the bail application
is allowed.

(Rajiv Roy, J)

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