

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75157 of 2024

Arising Out of PS. Case No.-536 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Md. Farid Khan @ Md. Farid Son of Md. Ashraph, Resident of Vill.- Bari
Khanjnpur, Moni Kochwal Lane Kathalwari, P.S.- Barari, Dist.- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-12-2024 Heard Mr. Dhananjay Kumar Pandey, the learned

counsel for the petitioner and Mr. Md. Matloob Rab, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

24.11.2022, in connection with Sessions Trial No. 540 of 2023,

arising out of Kotwali (Barari) P.S. Case No. 536 of 2021, FIR

dated 17.08.2021, registered for the offences punishable under

Sections 302 and 120(B) read with Section 34 of the Indian

Penal Code and under Section 27 of Arms Act.

3. Earlier the petitioner has moved before this

Hon'ble Court in Cr. Misc. No. 28569 of 2023, which was

rejected vide order dated 21.08.2023.

4. According to the prosecution case, informant's

husband went to Khanjarpur with one Vikky Khan, who later



informed the informant that her husband has been murdered by two three persons at Badi Khanjarpur.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that although, the petitioner is not named in the FIR, but it has come during investigation that due to some financial transaction between with one Rana Miyan, the present occurrence has taken place and the present FIR is instituted against Rana Miyan and other persons. Apart from that, the informant is not the eyewitness of the alleged occurrence and merely on the basis of suspicion, the present FIR has been instituted and during investigation the petitioner has been implicated in the present case. He further submits that the co-accused person namely, Bikky @ Vicky Khan @ Md. Khawaza Illiyas has been granted bail by a co-ordinate Bench of this Court vide order dated 20.09.2022 passed in Cr. Misc. No. 5876 of 2022. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 24.11.2022.

6. Vide order dated 18.10.2024, a report was called for with regard to the stage of the trial and report dated 23.10.2024 of the learned trial Court reveals that out of nine



chargesheet witness four witnesses have been examined and case is pending for examination of rest of prosecution witnesses.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 24.11.2022, more than two years.

8. 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 petitioner carries one criminal antecedent other than the present, but fairly submits that petitioner is on bail in the pending matter.

9. Considering the aforesaid facts and circumstances and mainly the facts that the co-accused persons have been granted bail by a co-ordinate Bench of this Court, the report of the learned trial Court and petitioner's period of custody, 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 Additional District and Sessions Judge-XIII, Bhagalpur, in connection with **Kotwali (Barari) P.S. Case No. 536 of 2021**, 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)

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