

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3605 of 2024

Arising Out of PS. Case No.-27 Year-2021 Thana- BARHARA KOTHI District- Purnia

Md. Nizam @ Md. Nazam @ Md. Nijam @ Md. Najam Son Of Md. Rahman
Resident Of Village- Mouzampatti, Bela Paemu, P.S-Barhara Kothi
(RAGHUWANSH Nagar O.P.), Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-01-2024 Heard Mr.Rajnish Kumar Singh, learned counsel for
the petitioner and Mr.Anil Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
01.08.2022 in connection with Barhara Raghuwansh Nagar
(O.P.) P.S. Case No. 27 of 2021, F.I.R. dated 26.01.2021
registered for the offence punishable under Sections
302,436,379,506,427,34 of IPC.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 21.04.2023 passed in Cr. Misc.
No.66721 of 2022. Thereafter, the petitioner has again moved
before this Hon'ble Court in Cr. Misc. No. 66875 of 2023 which
was dismissed as withdrawn on 06.10.2023 with liberty to the



petitioner to move before the learned trial court. Thereafter, the petitioner has filed present bail petition for grant of bail.

4. Learned counsel appearing for the petitioner submits that it has been recorded in the 5th paragraph of order dated 21.04.2023 that the petitioner has been identified by the witnesses and his statement was recorded in para-76 of the case diary. Learned counsel for the petitioner has drawn attention of this Court that the date of occurrence as alleged in the FIR is 25.01.2021 and the statement of the victim was recorded on 12.07.2022. Further submits that in fact the informant is not the eye witness of the alleged occurrence and as per information given by one Sona Singh who claims to be eye witness in the present case but during investigation the police had not examined said Sona Singh and apart from that the co-accused persons, namely, Bhushan Yadav, Akhilesh Kumar @ Akhilesh Yadav, Kundan Yadav @ Kundan Kumar Yadav, Md. Kallo Miyan @ Md. Kalim have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 02.08.2022 and 14.09.2023 passed in Cr. Misc. Nos. 12709 of 2022 and its analogous case and Cr. Misc. No. 59219 of 2023 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody



since 01.08.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR and the witnesses have supported the case of the prosecution and apart from the aforesaid the petitioner carries one more case other than the present one but he fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge, Purnea in connection with Barhara Raghuwansh Nagar (O.P.) P.S. Case No. 27 of 2021, with the following conditions:-

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

(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 court below 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 court below 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)

Nitesh/-

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