

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61788 of 2024

Arising Out of PS. Case No.-275 Year-2023 Thana- MUZAFFARPUR RAIL P.S. District-
Saran

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Md. Afzal Son of Md. Shamim @ Mohammad Shamim Resident of Village-
Brahmpura Quila Chowk, Ward No 04, P.S.- Brahmpura, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra
For the Opposite Party/s : Mr.Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 15-01-2025 Heard the learned counsel for the parties.

2. This is the 2nd attempt of the petitioner. The petitioner seeks regular bail in a case registered for the offence under Sections 304, 379, 356, 411, 34 of the Indian Penal Code.

3. As per the prosecution case, unknown thieves tried to snatch mobile phone from the deceased because of which deceased fell down and died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is in custody since 04.10.2023 and in the trial, three witnesses have been examined who have not supported the prosecution. He further submits that similarly situated co-accused Saurav Kumar has been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 70115 of 2024 dated



05.12.2024.

5. Learned APP for the State has filed the counter affidavit and has vehemently opposed the prayer for bail. The counter affidavit filed by the learned APP is taken on record.

6. In view of the aforesaid facts, this application is allowed.

7. Accordingly, 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 the learned Additional Sessions Judge-5th, Muzaffarpur/concerned Court below in connection with Sessions Trial No 937 of 2023 arising out of Muzaffarpur Rail P.S. Case No. 275 of 2023 subject to condition that:-

7(i). The petitioner will mark his attendance at the Brahmpura Police Station, Muzaffarpur on every Sunday of each month. Any default in appearance at the Police Station would result in cancellation of bail bond of the petitioner.

7(i) The petitioner shall appear in the trial personally on each and every date fixed by the Court below and shall cooperate in the trial.

(Sandeep Kumar, J)

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