

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.553 of 2015

Arising Out of PS.Case No. -86 Year- 2014 Thana -SIKTA District-
WESTCHAMPARAN(BETTIAH)

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Safakuddin Son of Late Rahmuddin Resident of Village-Jhumka, P.S-Sikta,
District-East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Ajay Kr.Jha, APP

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 09-03-2015 Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the informant.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302, 201/34 of IPC.

The prosecution case, in brief, is that the petitioner
and others came to the house of the informant and took Rubia
Khatoon, wife of the informant as her maternal uncle was ill and
they borrowed Rs.1,10,000/- and promised to return within 2 to 3
months when Rubia would return to the house of the informant.
She had also taken her ornaments. After lapse of three months
when the informant requested her father-in-law to bring back his
wife to his house it was told that money was not managed and
when he asked to let him talk to her it was told that she had

gone to the house of her maternal aunt. Later on, the informant came to know that his wife has been done to death and the dead body has been thrown by the petitioner and six others.

It is submitted that the petitioner is the maternal grand father of Rubia Khatoon and for the same occurrence, Amra Khatoon, mother of the deceased Rubia Khatoon had also lodged a case vide Sikta P. S. Case No. 87 of 2014 against Jahangir, Jayaullah and Nurul Kamar. It is further submitted that the petitioner had also lodged a case against the witnesses which had been registered as Sikta P. S. Case No. 69 of 2012 for the offence punishable under Sections 147,148, 149, 448, 324, 307, 380, 436 of the Indian Penal Code and 27 of the Arms Act. It is also submitted that the dead body of the victim has not yet been recovered and however after investigation the charge-sheet has been submitted under Section 364 IPC against the petitioner and investigation against others is going on. The petitioner has also criminal antecedent in which he is on bail.

Submission of other side is that there is strong circumstance against the petitioner to have committed the offence and the petitioner has also criminal antecedent.

Considering the facts and circumstances, the above named petitioner is directed to be released on bail on furnishing

bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of Shri Jiwtesh Kumar, learned Judicial Magistrate- 1st Class, Bettiah, District- West Champaran/court concerned in Sikta P. S. Case No. 86 of 2014 **after framing of charge** with following conditions:-

1. The petitioner will not indulge himself in similar or any other offence.
2. One of the bailors must be the close relative of the petitioner.
3. The petitioner will be well represented in the Court on each and every date and in case of absence for two consecutive dates or in case of violation of terms of bail, his bail bond would be liable to be cancelled by the learned Court concerned.

(Amaresh Kumar Lal, J)

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