

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22229 of 2016

Arising Out of PS.Case No. -255 Year- 2015 Thana -ALOULI District- KHAGARIA

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1. Md. Dulare @ Md. Dullard S/o Md. Salim R/v- Megauna, P.S.- Alauli,
Dist- Khagaria. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Lalan Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 05-07-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Sessions Trial No. 73 of 2016, Alauli P.S. Case No. 255 of 2015 registered for the offences punishable under Sections 302/34 and 120(B) of the Indian Penal Code.

The informant is not an eye witness of the occurrence however, she has named the petitioner and two others who have killed her husband, Md. Postam, in collusion and conspiracy and dead body was kept on the road as the deceased was having sweet relation with co-accused Hajrun Nisha @ Hajru Nisha, the petitioner is the son of Hajru Nisha and he and co-accused Jahangir were not pleased with the conduct of the deceased and earlier also co-accused Jahangir has caused threats to the deceased.

Submission is of false implication and that neither the informant nor any witness is an eye witness of the occurrence,

only on suspicion the petitioner has been implicated, during investigation only it has come that the petitioner was inside the house along with some relative, without any legal and cogent material chargesheet has been submitted resulting the petitioner is suffering in custody since 26.10.2015, similarly situated co-accused Hajrun Nisha @ Hajru Nisha, the mother of the petitioner has already been allowed bail to which the learned A.P.P. fairly submits that co-accused has been allowed bail.

In the facts and circumstances stated above, above named petitioner is also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Khagaria in connection with Sessions Trial No. 73 of 2016, Alauli P.S. Case No. 255 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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