

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32084 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -JOKIHAT District- ARRARIA

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Md. Sultan, Son of Nazam @ Md. Nezam @ Najamuddin, Resident of
Village- Saifullah, P.S.- Mahalgaon, District- Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prem Ranjan Kumar, Advocate

For the Opposite Party : Mr. Ashok Kumar Singh 1(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 19-09-2016 Heard learned counsel for the petitioner and the

learned counsel representing the State.

The petitioner seeks bail in connection with Jokihat
P.S. Case No. 09 of 2016 registered for the offences punishable
under Sections 302 and 201/34 of the Indian Penal Code.

Allegedly, Misbahul the husband of the informant was
found dead having knife injury and mark of strangulation on his
neck and near the place of occurrence, knife and aluminium wire
were also found.

Submission is of false implication and that besides
suspicion, there is nothing against the petitioner. None has seen
committing the crime. The occurrence is of 08.01.2016 and
thereafter on 25.02.2016 one Md. Akhtar has given his statement



that Misbahul went with the petitioner and both took drink together and thereafter the petitioner killed him with knife. Though in postmortem report the cause of death has been found Asphyxia due to strangulation and, as such, the statement of Md. Akhtar cannot be relied upon. The petitioner is in custody since 09.01.2016. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned APP opposes the prayer of bail by submitting that against the petitioner there is strong motive as the petitioner was suspecting that the deceased has developed illicit relationship with his wife.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner shall 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 Sub-Divisional Judicial Magistrate, Araria, in connection with Jokihat P.S. Case No.9 of 2016, subject to the conditions that one of the bailors must be near relative of the petitioner 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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