

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37065 of 2015

Arising Out of PS.Case No. -518 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

=====

Hasibur Rahman @ Md. Shahabuddin Ansari, Son of Wasi Mohammad,
Resident of Village- Jatwa, Police Station- Banjariya, District- East
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Jagdhar Pd.(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 24-02-2016

Heard learned counsels for the petitioner and

the State.

The petitioner has renewed his prayer for bail
in a case registered for the offences punishable under Sections
302, 364 and 120B of the Indian Penal Code.

The prosecution case is that the son of the
informant Samshad Alam was called by the daughter of co-
accused Mannan. Subsequently the son of the informant went
missing. During investigation it was found that the petitioner
Hasibur Rahman and the victim Samshad had love affairs with the
daughter of co-accused namely, Eladies Begum, hence the
petitioner killed the victim to remove him from love triangle.



It is submitted by learned counsel for the petitioner that the petitioner was arrested on 16.09./2014 as gets reflected from paragraph 55 of the case diary. The statement of the petitioner was recorded by the police on same day which gets reflected from paragraph 55 of the case diary whereas the statement of co-accused Mannan has been recorded in paragraph 58 of the case diary and in pursuance to the statement of the petitioner and co-accused Mannan the search was made which gets reflected from paragraph 61 of the case diary but nothing was found. Thereafter on 16.09.2014 as gets reflected from paragraph 66 of the case diary the petitioner and co-accused Mannan were remanded to jail custody. Subsequently on 27.10.2014 the clothes and Adhar card of the victim were recovered which gets reflected from paragraph 81 of the case diary. Hence, the recovery cannot be treated on the basis of the statement of the petitioner or co-accused Mannan and considering the same co-accused Mannan has been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 20451 of 2015. The said order has been brought on record as Annexure-3. It is further submitted that earlier the bail application of the petitioner was rejected with observation, at present.

Considering the aforesaid facts, let the above

named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya (Banjariya) P.S. Case No. 518 of 2014.

(Dinesh Kumar Singh, J)

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