

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35589 of 2017

Arising Out of PS.Case No. -29 Year- 2017 Thana -BARARI District- KATIHAR

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Saidur Rahman @ Md. Saidur Rahman, son of Mojibur Rahman, resident of
Village- Jharkaha Genadih, P.S.- Barari, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 15-09-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Barari P.S.
Case No. 29 of 2017 for offences punishable under Sections
302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was sleeping in the night on 06.02.2017 his
brother's wife Phulo Khatun came to his house and stated that
4-5 unknown persons has killed her husband Noor Islam @
Tullu while both were sleeping on the bed.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the F.I.R. and has been falsely implicated due to previous dispute between the parties. It is submitted that because of the inimical terms petitioner has been made accused on the basis of suspicion. It is further submitted that charge-sheet has already been submitted and the petitioner is languishing in judicial custody since 29.05.2017.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that after few days of occurrence the informant's Bhabhi Phulo Khatun who was eye witness to the alleged occurrence has named the petitioner having been inimical terms with the deceased and after three months she has taken the name of the petitioner along with others. The injury alleged to have been found on the post mortem report is corroborated with the injury stated by the eye witness.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Barari P.S. Case No.29 of 2017, pending in the court of learned Additional Chief Judicial Magistrate-V, Katihar.

The application is, accordingly, rejected. However,



the petitioner may renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

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