

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54470 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, Advocate

For the Opposite Party/s : Mr. Md. Ashlam Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-01-2018 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the informant and the learned APP

for the State.

This is the second round of litigation. Earlier the bail application of the petitioner was rejected by order dated 15.09.2017 passed in Cr. Misc. No. 35589 of 2017 with liberty to renew his prayer for bail after framing of charge. Petitioner seeks bail in connection with Sessions Trial No. 314 of 2017, arising out of Barari P.S. Case No. 29 of 2017 registered for the 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, his brother's wife, Phulo Khatoon



came and informed that 4-5 unknown persons have killed her husband, Noor Islam @ Tullu while they were sleeping.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and as an afterthought, wife of the informant named the petitioner after three months of the alleged occurrence. He submits that both the parties are on inimical terms and it is only on the basis of suspicion that the petitioner has been made accused. It is submitted that the petitioner undertakes to cooperate in disposal of the trial on day to day basis.

However, learned counsel appearing on behalf of the informant and the learned APP for the State oppose the prayer for bail stating therein that the said Phulo Khatoon was the eye-witness to the alleged occurrence, although the narration was made after three months.

Considering the facts and circumstances and the materials on record and that the petitioner undertakes to cooperate in the trial, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Katihar in connection with Sessions Trial No. 314



of 2017, arising out of Barari P.S. Case No. 29 of 2017, subject to the following conditions:

- (1) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) The petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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