

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3808 of 2018

Arising Out of PS.Case No. -168 Year- 2017 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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Serajul Haque, S/o Mobarak Mian, R/o Village- Madhopur Taksari, P.S.-
Madhuban, District- Fast Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar @ Sonu Babu.

For the Opposite Party/s : Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 19-03-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Madhuban**
P.S. Case No. 168 of 2017, G.R. Case No. 4005 of 2017
instituted for the offence under Sections 302 and 120B/34 of the
Indian Penal Code.

It is alleged in the written report that petitioner who is
husband of the deceased called her on telephone at 1:00 p.m. at
Chakia where he was waiting for her. Thereafter, the daughter of
the informant (since deceased) went there. It is alleged that at
about 9:30 p.m. the informant's son-in-law gave information
through phone that someone has killed his daughter and threw her
dead body near Bichadhariya Man. Thereafter the informant and
his wife learnt that his daughter Saleha Khatoon has been



murdered.

The informant has raised suspicion in the written report that petitioner along with other co-accused persons have committed murder of the deceased.

Learned counsel for the petitioner has submitted that besides suspicion there is no any allegation of specific overt act against this petitioner.

Case diary has been received.

Learned A.P.P. has after perusal of case diary submitted that besides suspicion there is no allegation of any specific overt act against this petitioner.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Madhuban P.S. Case No. 168 of 107, G.R. Case No. 4005 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate, East Champaran at Motihari**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property



within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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