

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72276 of 2018

Arising Out of PS. Case No.-154 Year-2018 Thana- SHASTRINAGAR District- Patna

Md. Shamshuddin @ Raja @ Md. Shanshuddin, S/o Late Md. Sharfuddin Khan @ Safo Khan, Resident of Mohalla- Samanpura, Raja Bazar, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 10-12-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Shastri Nagar P.S. Case No. 154 of 2018 registered for the offence punishable under Sections 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code.

Informant is the full younger brother of the petitioner and he has alleged in the FIR that on 09.03.2018 at about 4:00 AM while his mother was sleeping in her room, his brother (petitioner) and his wife had stolen Rs. 5000/- from his mother's purse and his Bhabhi was trying to take golden bracelet from her hand and when she awoke then petitioner kept the pillow on her face and his wife told him to kill her. It has



been further alleged that when he woke up on noise then he saw that his bhabhi having bracelet in her hand and his brother kept pillow on face of his mother, thereafter he saved his mother.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place rather the informant is a very cunning person taking his mother into his clutch grabbed Rs. 19,42,422/- received by the mother of the petitioner as superannuation benefit of his deceased father who was a government employee and he denied even a single penny to the petitioner when the petitioner demanded his share. Petitioner is in custody since 25.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-IV cum A.C.J.M., Patna, in connection with Shastri Nagar P.S. Case No. 154 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient



reason the trial court will be at liberty to cancel his bail bond.

(3) If the 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.

(S. Kumar, J)

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