

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38097 of 2018

Arising Out of PS.Case No. -30 Year- 2018 Thana -BARHARIA District- SIWAN

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Khushi Ahmad @ Madan S/o Hamid Miyan @ Abdul Hamid Miyan, R/o
Vill.- Lauwan, P.S.- Barharia, District- Siwan. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amir Alam, Adv

For the Opposite Party/s : Sri Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 23-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Barharia
P.S. Case No. 30 of 2018 registered for offence punishable under
section 363 of the Indian Penal Code (later on sections 302 and
201 of the Indian Penal Code were added).

The informant of this case is the brother of deceased.
He, in his written report, has alleged that his brother was missing
since 29.01.2018 and his two mobile-phones were found switched
off. In course of investigation, some spy disclosed before the
Investigating Officer that the wife of this petitioner had illicit
relationship with the deceased and the petitioner out of furor
might have committed murder of the deceased.

It has been submitted that the petitioner has been
made accused merely on suspicion and except suspicion, there is



nothing on record to connect him in the above crime. The mobile-phone, which was recovered from the possession of the wife of this petitioner, does not connect any conversation between the deceased and the wife of this petitioner. One of the mobile stands in the name of Shibha Khatoon, who happens to be beloved of the deceased.

The learned Additional Public Prosecutor on the other hand opposed the submission.

Considering the omnibus allegation against this petitioner, facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in connection with Barhariya P.S. Case No. 30 of 2018, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

Mahesh/-

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(Sanjay Kumar, J)

