

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2828 of 2019**

Arising Out of PS. Case No.-385 Year-2016 Thana- BAKHTIARPUR District- Saharsa

Md. Babloo aged about 20 years Male, s/o Kalar Mian Resident of Village-
Mujoliya Tola Kathdumar, Police Station- Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Mr.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 28-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Bakhtiyarpur P.S. Case No. 385 of 2016** registered for the offence punishable under Sections 302, 201/34 of the Indian Penal Code.

The prosecution case in brief is that the Informant who is Choukidar in Kaneriya O.P. found a dead body lying in the Water of Kathdumar Ghat at about 4:00 pm and on the basis of information given by the Informant the present case has been lodged. FIR is against unknown.

It has been submitted on behalf of the petitioner that he



is innocent and has been falsely implicated in this case on suspicion. He is not named in the FIR. In paragraph no. 24 of the case diary the investigation officer has mentioned that an application has been filed by the father of the deceased in which he has raised suspicion that his son would have been killed due to illicit relation between wife of the deceased Bibi Runa and her Son-in-Law. It has further been submitted that there is no evidence against the petitioner. Similarly, situated co-accused person has on whom the father of the deceased has raised suspicion has been granted bail by a co-ordinate bench of this Court vide order dated 01.05.2017 in Criminal Miscellaneous No. 9605 of 2017. Petitioner has got no criminal antecedent and is in custody since 30.08.2018.

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/- with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate-III, Saharsa**, in connection with **Bakhtiyarpur P.S. Case No. 385 of 2016** , with following conditions:-

(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 shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(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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