

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6819 of 2019

Arising Out of PS. Case No.-39 Year-2013 Thana- JHANJHARPUR District- Madhubani

Md. Badiuzzama S/o. Abdul Kalam Resident of Village – Gidarganj, P.S.
Andhrathadhi, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 23-04-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offences punishable under Sections 279/337/338/304A of the
Indian Penal Code.

According to FIR, the informant is eyewitness of the
occurrence. According to informant a rash and negligent
unknown vehicle dashed against the motorcycle of Anatullah as
a result whereof Anatullah died at the spot. During
investigation, the informant disclosed another story to the
police that in fact four persons including the petitioner had
committed the murder of the deceased and as such the police



added Section 302 of the IPC.

Learned counsel for the petitioner submits that the Additional Sessions Judge while refusing the prayer for bail has wrongly recorded that para-66 of the case-diary contains the statement of the petitioner and para-86 is the 164 statement of the petitioner; rather both are the statement of the informant. His contention is that the improved version of the informant or changed version cannot change the basic allegation in the FIR which has been recorded on the basis of the statement of the informant is an eyewitness.

Learned counsel appearing on behalf of the wife of the deceased submits that in fact informant and the petitioner had hatched conspiracy to commit the murder of her husband Md. Anatullah and the death was result of murder. He further submits that informant has already been convicted in the trial.

Considering the fact that there is no eyewitness of the occurrence to accept the contrary evidence, let the petitioner, above named, who has got no criminal antecedent, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Sessions Trial No.50 of 2014/353 of



2017, arising out of Jhanjharpur (Arariya Sangram) P.S. Case No.39 of 2013, with condition that petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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