

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6898 of 2019

Arising Out of PS. Case No.-274 Year-2018 Thana- JOKIHAT District- Araria

NAUSAD @ MD. NAUSHAD aged about 35 years (M) s/o Md. Jainul r/o
Village-Manikpur, P.S.-Araria (Bairgachhi), District Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 14-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Jokihat (Mahalgaon) P.S.**

Case No. 274 of 2018 registered for the offence punishable
under Sections 302, 201/34 of the Indian Penal Code.

Informant who is the widow of deceased has alleged that on 11.09.2018 at about 7:00 pm, his husband received a mobile call and thereafter went out stating that he will be returning in two hours, however, he did not return and even after much search his whereabouts could not be ascertained and on 13.09.2018 a headless dead body was found which was identified as the dead body of the husband of informant. She has alleged that Md. Rabesh had some dispute with respect to transaction of some money and he also threatened her husband.

It has been submitted on behalf of the petitioner that



he is innocent and has been falsely implicated in this case. He is not named in FIR. His name has surfaced in this case during the course of investigation and it has been submitted by the petitioner that only incriminating material against him is that he had conversation with said Md. Rabesh, on same day and except this there is no other incriminating material against the petitioner. Petitioner has got no criminal antecedent and is in custody since 08.10.2018.

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 **Chief Judicial Magistrate, Araria** in connection with **Jokihat (Mahalgaon) P.S. Case No. 274 of 2018**, 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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