

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17043 of 2019

Arising Out of PS. Case No.-543 Year-2018 Thana- ARARIA District- Araria

RAJU @ RAJANOOR @ RAJANUR AHMAD, aged about 31 years, (M)
Son of Md. Alauddin Resident of Village - Sisona Gaiyari, Ward No.6, P.S.-
Araria, District - Araria, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 02-04-2019 Heard learned counsel for the parties.

Petitioner, who is in custody, seeks bail registered
for the offences punishable under Sections 302 and 34 of the
Indian Penal Code.

Informant who is the widow of victim has stated
that on 15.0.2018 his deceased husband Md. Rakib Rao and his
son Amjad Ali after closing their shop were returning to home
while returning her husband Md. Rakib Rao started talking with
accused Raju (petitioner) and accused Ibrar and her son came to
home thereafter her husband did not return and in the next
morning dead body of her husband was found near a petrol



pump.

It has been submitted on behalf of the petitioner that after investigation the police has submitted charge-sheet under Section 304A of IPC, however Court took cognizance against petitioner under Section 302 and 34 of IPC and one other accused Ibrar had not been sent up by the police and has not been charge-sheeted, however, Court has also taken cognizance against co-accused Ibrar. Petitioner has got no criminal antecedent and is in custody since 27.09.2018.

Learned counsel for the Informant vehemently opposes the prayer for bail.

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 court below where the case is pending in connection with **Araria P.S. Case No. 543 of 2018**, with following condition:-

(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 absence on two consecutive dates without sufficient



reason, his 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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