

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4503 of 2020

Arising Out of PS. Case No.-200 Year-2018 Thana- UCHKAGAON District- Gopalganj

Tohid @ Laddu Khan alias Tohid Mia alias Laddu Mia alias Tahuhi, S/o -
Nashir Khan @ Md. Nashir Khan Resident of Village- Bariya Dhodhan, P.S.-
Unchakagaon, Distt- Gopalganj.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Arvind Kumar Pradhan, Advocate.
For the State : Mr. Vinod Shanker Modi, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 08-06-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through Video Conferencing.

The petitioner seeks bail in connection with Sessions
Trial No.675 of 2018, arising out of Unchakagaon P.S. Case
No.200 of 2018, registered under Sections 302 and 120(B) of
the Indian Penal Code.

The accusation is that before two months, Masum
Khan, the brother of the informant Aslam Khan returned from
Oman after earning the money and, at that time, Tohid alias
Laddu Khan (petitioner) and his brother Arif alias Guddu Khan
took Rs.20,000/- from him as loan. Before one week, when
Masum Khan, the brother of the informant, made demand of the
aforesaid money from them, then they became adamant to



commit “Maar-Peet” but, anyhow, the matter was pacified and they moved from there giving threatening of dire consequences to the brother of the informant. In the evening of 21.07.2018, Masum Khan, the brother of the informant, was accompanied by the petitioner and his brother on assurance by them to return the money towards railway line and at about 08.45 P.M., he was taken by them near the semi constructed house of Irshad Khan, where Ayub Khan, Sakir Khan alias Pappu Khan, Merajul Haque alias Raju Khan and Faiyaz Khan, the villagers of the informant, were present and, thereafter, all started to abuse to the brother of the informant. At that time, this petitioner took out the knife from his pocket and caused injury at the left side of the chest of the brother of the informant, due to which he fell down and all fled away from there. After hearing the “Hullah” when the informant along with his neighbours rushed at the place of the occurrence, then he found his brother unconscious with a pool of blood. Thereafter, the brother of the informant was rushed to Primary Health Centre Unchkagaon, from where he was referred to Sadar Hospital, Gopalganj, but in course of taking him away there, he died.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. and the entire case



diary that none had seen the occurrence but, on mere suspicion, due to taking of money by the petitioner and his brother from the brother of the informant, the petitioner and others have falsely been implicated in this case. Further submission is that the petitioner is in custody since 22.07.2018 and, on investigation, the police has already submitted the chargesheet against the petitioner. While the petitioner is accused in two other cases, as detailed in paragraph-3 to this application, but in those cases, he is on bail.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-IV, Gopalganj, in connection with Sessions Trial No.675 of 2018, arising out of Unchakagaon P.S. Case No.200 of 2018. Out of the two sureties, one must be either parents or the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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