

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3209 of 2020

Arising Out of PS. Case No.-265 Year-2019 Thana- CHANDAUTI District- Gaya

MD. NUMAN @ NUMAN AHMAD Son of Aminuddin Resident of Road
No.26, Aliganj, P.S.-Chandauti, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 29-06-2020 This matter has been taken up through Video
Conferencing.

Heard the parties.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 302 of the
Indian Penal Code.

Informant is not an eye witness of the occurrence.
Petitioner who is Sarhu of the informant is said to have pushed
the son-in-law of the informant from third floor of the house, as
a result whereof, he sustained injury and died.

The wife of the victim is an eye witness of the
occurrence according to the F.I.R. However, case diary reveals
that her fardbayan was recorded at Magadh Medical College
Police Station wherein she has not stated that the petitioner had



pushed rather suspected the petitioner for the reason that the petitioner did not come down for help of the victim. Other witnesses stated that the petitioner had recently gone through surgery and he was unable to move, hence false implication is there.

Considering the conflicting evidence surfaced during investigation, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (rupees 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 Chandauti P.S. Case No. 265 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to the following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without



permission of the trial Court.

(Birendra Kumar, J)

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