

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7307 of 2020

Arising Out of PS. Case No.-109 Year-2018 Thana- SANHAULA District- Bhagalpur

MD. ARSHAD @ MD. ARSHAD ALAM S/o Md. Nasiruddin @ Md. Naseer
Resident of Village- Sukhsaina, P.S.- Sanhoula, Distt- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-07-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

Petitioner apprehends arrest in Sanhoulla PS Case No. 109 of 2018 registered under Sections 302, 201, 120(b)/34 of the IPC.

The FIR is a narrative of events dating back two and a half years and even earlier, from the date on which it has been instituted. The informant has mentioned enmity with her father-in-law, mother-in-law and two brothers Md. Sabool and Md. Mozim. Recovery of dead body of the informant's husband has led to lodging of the FIR. Grave suspicion has been cast on these persons in the FIR. Regarding the petitioner it is stated in the FIR that the informant's husband had been repeatedly demanding refund of Rs. 17000/- being sale proceed due for sale of fertilizers.

Learned Counsel for the petitioner has submitted that the



petitioner is innocent. Even the allegations in the FIR do not make out any allegation against the petitioner. The police failed to lay hands on any material against the petitioner and therefore he was not sent up for trial in the charge sheet. Still the court has taken cognizance. Other than suspicion based on some alleged outstanding of Rs. 17,000/- there is nothing against the petitioner. Specific allegation is against Md. Farooque. The petitioner has no criminal antecedent. The petitioner is a qualified Mechanical Engineer and was working as such at Ghaziabad.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Bhagalpur. in Sanhoulla PS Case No. 109 of 2018 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

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(Madhuresh Prasad, J)

