

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12836 of 2020

Arising Out of PS. Case No.-346 Year-2019 Thana- HARSIDHI District- East Champaran

Naushad @ Laloo Son of Sk. Yahiya Resident of Village - Chintamanpur,
P.S.- Govindganj (Malahi), District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Adv. Mr. Manish Kumar Singh, Adv.
For the informant	:	Mr. Prakash Srivastava, Adv.
For the State	:	Mr. Zainul Abedin. APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsels for the petitioner and the State.

The petitioner, who is languishing in custody since 27.10.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 307, 302 and 120B/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Sk. Sakil, submitted to the S.H.O., Harsidhi Police Station is to the effect that on 12.10.2019 at 8 A.M., the son of the informant, Shahid Hussain went in the company of co-accused Pintu Tiwari



and at 9 A.M., the informant came to know that his son has been killed by accused persons including the petitioner by causing firearm injury. Subsequently, the informant came to know that his son was taken to Rahmania Hospital and when he reached there, he found the dead body of his son. It is also alleged that earlier also, six accused persons had made an attempt on the life of the informant, leading to registration of Turkauliya (Raghunathpur) P.S. Case No. 438 of 2019.

Mr. P.K. Shahi, learned Senior Counsel for the petitioner submits that admittedly the informant is not the eye-witness to the alleged occurrence and the informant has not disclosed the name of the person who conveyed him about the name of the five accused persons including the petitioner. The petitioner and others have been named in the present case only because they were on inimical terms with the informant as the petitioner is a chargesheeted witness in the murder case of the son of his brother-in-law being Govindganj P.S. Case No. 361 of 2018, wherein the informant is made accused. It is further submitted that the investigation has already been concluded and the petitioner is languishing in custody since 27.10.2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



Learned counsel for the informant submits that the FIR named accused persons earlier also took an attempt on the life of the informant and that was the reason, they killed the son of the informant. During investigation, other materials have been collected suggesting the complicity of the petitioner.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that the petitioner is a chargesheeted witness in a case of Murder of the son of his brother-in-law, wherein the informant is made accused, the investigation has already been concluded and the petitioner having no criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 346 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.



The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 346 of 2019.

The learned Court below will be at liberty to extend the further period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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