

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14190 of 2020

Arising Out of PS. Case No.-387 Year-2019 Thana- SUPAUL District- Supaul

HANNAN @ MD. HANAN, Son of Mohammad Ali Hasan, Resident of
Village - Telwagot, Ward No. 12, P.S. and Distt - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

9 13-10-2020 Heard learned counsel for the petitioner and learned APP
for the State through virtual court proceedings.

The petitioner seeks bail in a case registered for the offence
punishable under Sections 302/34 of the Indian Penal Code.

Allegation against the petitioner is of killing the son of
the informant.

Learned counsel the petitioner that the petitioner is quite
innocent and has committed no offence. From perusal of the
FIR, it is crystal clear that the informant is not an eyewitness
herself, she implicated the petitioner on the basis of suspicion
only. There is no eyewitness of the prosecution case. He further
submits that the deceased Maksood Alam, son of informant has
not been killed by the petitioner in fact, the deceased died
natural death, during the bath in the pond and there is no reason



to assault him. Viscera report which is kept at **Flag 'B'** mentions the reason of death due to poisoning. Hence, there is contradiction between the prosecution case and the viscera report. The petitioner is in custody since 29.11.2019 and has got no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each in connection with Supaul P.S. Case No. 387/2019 to the satisfaction of the learned Chief Judicial Magistrate, Supaul, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.



(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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