

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23762 of 2020

Arising Out of PS. Case No.-30 Year-2020 Thana- BIRPUR District- Supaul

1. SAMSUL @ SAMSUL HAQUE Son of Late Shah Mohammad Resident of Village- Bairiya Arazi, Ward No.08, P.S.- Birpur (Balua Bazar), District- Supaul.
2. Jahangir Son of Samsul @ Samsul Haque Resident of Village- Bairiya Arazi, Ward No.08, P.S.- Birpur (Balua Bazar), District- Supaul.
3. Md. Yusuf Son of Mustafa Resident of Village- Bairiya Arazi, Ward No.08, P.S.- Birpur (Balua Bazar), District- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun, Advocate
For the informant	:	Mr. Shiv Sager Sharma, Advocate
For the State	:	Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-11-2020 Heard Mr. Arun, learned counsel for the petitioners, Mr. Shiv Sager Sharma, learned counsel for the informant and Mr. Ajit Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Birpur P.S. Case No. 30 of 2020 registered for the offences punishable under Sections 302 and 120(B)/34 of the Indian Penal Code 1860.

The allegation as per the First Information Report is that the informant received a call from his brother-in-law at Ahmadabad (Gujrat) that his wife was killed and he after



returning from Ahmadabad, came to know from his niece namely, Sabana Khatoon, that his wife was having apprehension that she might be killed by Samsul (petitioner No. 1) and Shamim Akhtar and further the informant has suspicion that co-accused Umar Farukh was having illicit relationship with the deceased, due to which, the present offence has been committed.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case on the basis of suspicion and alleged confessional statement made by the co-accused Umar Farukh. Learned counsel further submits that even after going through the confessional statement of co-accused Umar Farukh, it would be evident that there is no allegation of assault upon petitioner No. 2. The only allegation against petitioner No. 1 is that he was found present near the place of occurrence whereas the allegation against petitioner No. 3 is that he was holding legs of the deceased while one person wearing mask was assaulting the deceased by means of pestle (*Moosal* – a hard and blunt substance). Learned counsel also submits that from perusal of the postmortem report, it would be evident that several sharp cutting injuries have been found on the person of the deceased whereas on the basis of



confessional statement of co-accused Umar Farukh, it would be evident that the deceased was killed by means of pestle (Moosal) i.e. a hard and blunt substance. Learned counsel next submits that the petitioners are in custody since 12/13.02.2020.

On the other hand, learned counsel for the State as well as learned counsel appearing on behalf of the informant vehemently oppose the prayer for bail of the petitioners and submits that on the basis of confessional statement it would be evident that petitioner No. 1 was present near the place of occurrence and petitioner No. 3 was holding the legs of the deceased.

Having heard learned counsel for the parties and taking into consideration the materials on record, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Birpur, Supaul, in connection with Birpur P.S. Case No. 30 of 2020 subject to the condition that the petitioners will be well represented on each date in the trial and if they fail to do so on two consecutive dates, their bail bonds will be liable to be



cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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