

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24285 of 2020

Arising Out of PS. Case No.-89 Year-2019 Thana- KOCHADHAMAN District- Kishanganj

SHAHID @ TEUPUA @ SAHEED ALAM S/o Late Sahimunddin R/o
village- Rangamani, Kanhaiabari, P.S.- Kochadhaman, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-09-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

The petitioner seeks bail in Kochadhaman P.S. Case
No. 89 of 2019, registered for the offence punishable under
Sections 364, 302, 201 and 34 of the Indian Penal Code.

As per prosecution case, on 31.03.2019 the informant
invited the villagers at his house for dinner on the eve of Milad
ceremony and after having dinner the villagers went away. It is
further alleged that at about 12 'O' clock at night when the
informant's younger brother Sohail Alam was sleeping in is
room, accused Muntazir came at his room and there was



altercation between them, but at 2.00 am, Sohail Alam was not present in his room. On search, on 06.04.2019, the informant found slipper of Sohail Alam by the side of Dhanpura river. It is further alleged that accused Muntazir along with his associates, after hatching up conspiracy committed murder of Sohail Alam and concealed his dead body.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. Petitioner is not named in the FIR. During course of investigation, name of this petitioner has come in this case on the basis of confessional statement of co-accused. There is no eye-witness of the occurrence. There is delay of five days in lodging of FIR for which no plausible explanation has been given. Moreover, similarly, situated co-accused have been granted bail by this court vide order dated 01.06.2020 passed in Cr. Misc. No. 10232 of 2020 vide Annexure-2. Petitioner is in custody since 12.11.2019 having clean antecedent.

However, counsel for the informant vehemently opposed the prayer for bail and submitted that petitioner is also one of assailants and the dead body of the deceased has not been recovered as yet.

Considering the facts and circumstances of the case



and the fact that there is no eye-witness of the occurrence and petitioner has got clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Kochadhaman P.S. Case No. 89 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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