

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27930 of 2020

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

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UMAR FAROOQUE S/o Md. Murshid Resident of Village-Bairiya Kamal,
Ward No.07, Police Station- Birpur, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Arun, Adv.
For the Opposite Party/s	:	Ms. Anita Kumari, APP
For the Informant	:	Mr. Shiv Sagar Sharma Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 14-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Ms. Anita Kumari, learned APP, is appearing as it is submitted that the brief has been allotted to her by the office of Advocate General. Her name may also be printed in the cause list.

Heard learned counsel for the petitioner and learned APP for the State.



Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Birpur P.S. Case no. 30 of 2020, instituted for the offence under Sections 302 and 120B/34 of the I.P.C.

The informant has received information while he was at Gujrat regarding his wife being killed. The further case of the prosecution is that when he came back he learnt that the deceased had informed his niece that co-accused Samsul and Shamim Akhtar were annoyed with the visiting term of the petitioner with his wife in the house of the informant and since then the petitioner has been traceless.

It is submitted by the petitioner's counsel that on such circumstantial circumstances the petitioner has been implicated in the instant case. The petitioner in fact, is teacher in the MADARSA of the informant and helping the informant's family in various means, and as such, the brothers-in-law co-accused namely, Shamim Akhtar and Samsul were irritating and therefore have implicated him in the instant case. It is further submitted that co-accused, namely, Samsul @ Samsul Haque



has been allowed bail in Cr. Misc. no. 23762 of 2020. Referring to the seizure memo, petitioner's counsel further submits that even the alleged weapon used in the killing has been recovered from 'Angan' of the victim's own house.

The petitioner is now in custody since 13.02.2020 and has no criminal antecedents.

The learned APP has opposed the prayer for bail by submitting the fact that the petitioner has traceless after the occurrence is indicative of his involvement.

Considering the aforesaid, let the petitioner, above named, be released 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 Addl. District and Sessions Judge-V, Supaul, in connection with Birpur P.S. Case no. 30 of 2020, Sessions Trial No. 110 of 2020, subject to 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.

(iii) The petitioner would be obliged to appear on every date so as to facilitated conclusion of the trial expeditiously.

(Madhuresh Prasad, J)

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