

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12339 of 2021

Arising Out of PS. Case No.-553 Year-2020 Thana- FORBESGANJ District- Araria

Md. Imamul @ Md. Emamul, Son of Late Tafezul Resident of Village - Dallu
Tola, P.S.- Forbesganj, Dist - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Forbesganj P.S. Case No.553 of 2020, registered for the offence under Section 302/34 of the Indian Penal Code.

As per the prosecution case, the son of the informant Masoom (deceased) eight months ago was married with the accused petitioner's daughter, namely, Ruby Khatoon. On 11.07.2020 the informant came to know that his son has been killed by the accused persons along with co-accused. It is further stated the wife of the deceased had an affair with the accused, namely, Shohrab and when his son came to know about her affair and opposed all of them committed the murder of the son of the informant.

It is submitted on behalf of the petitioner that there is



no eyewitness of the occurrence and the petitioner who is father-in-law of the deceased has been made accused only on suspicion. It is further submitted that this petitioner who happens to be father-in-law, it is unbelievable to say that any father-in-law would indulge in killing of his son-in-law. No motive has been attributed against this petitioner and there is no eyewitness of the occurrence. Charge sheet has already been submitted and petitioner is in custody since 12.07.2020.

Learned APP for the State has vehemently opposed the bail petition and submitted that petitioner is named in the FIR and there is direct and specific allegation of committing murder of the son of the informant.

Considering the rival submission of the parties and materials available on record, except suspicion there is no other direct material allegation against the petitioner, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No.553 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial
and shall be properly represented on each and



every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

Prakash Narayan /-

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