

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25603 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

Md. Azad @ Azad Son Of Abdus Sakur R/O Dey Market, Mauzabari, P.S.-
Kochadhaman, Dist.- Kishanganj

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha,Advocate
For the Opposite Party/s : Ms.Renu Kumari,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-10-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Renu Kumari, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kochadhaman P.S. Case No. 183 of 2020 registered for the offences punishable under Section 306 of the Indian Penal Code. He is in custody since 08.01.2021. He has otherwise no criminal antecedent.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he has instigated the sister of the informant to commit suicide. It is alleged that on 28.07.2020 at 10:30 A.M., this petitioner came to the house of the informant and spent one hour with sister of the informant



and when the petitioner left the house, froth began to come out from the mouth of the sister of the informant whereupon she was brought to the hospital where doctor declared her dead.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with the alleged occurrence. The petitioner is in custody since 08.01.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed that in the FIR the only allegation against the petitioner is that he was on talking terms with the sister of the informant and on the alleged date also the petitioner had come to the house of the informant and had talked to his sister for about one hour and then he had left, there being no other allegation in the FIR and the FIR has been lodged alleging that the petitioner had instigated the sister of the informant to commit suicide, the petitioner has remained in jail in connection with this case since 08.01.2021 and investigation against him is complete, he has otherwise no criminal antecedent, this Court directs release of the petitioner above



named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kochadhaman P.S. Case No. 183 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

