

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36427 of 2020

Arising Out of PS. Case No.-162 Year-2019 Thana- POTHIIYA District- Kishanganj

1. Subhan Son of Akramul Resident of Village-Bara Suhagi, P.S. Pothia,
District-Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 01-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner apprehends his arrest in connection with Pothia P.S. Case No. 162 of 2019 registered for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

According to prosecution case, on 14.09.2019 the informant went to see her mother Kubera Khatoon at MGM hospital and returned to her house and she along with her daughter and mother-in-law took dinner. The informant further



alleges that she slept in the room whereas her daughter and mother-in-law slept in the courtyard of the house. In the morning people of the courtyard informed that her daughter has been killed by unknown person and dead body of her daughter was lying behind the house of Jamaluddin.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case due to local politics. Petitioner is innocent and he is not named in the FIR. During course of investigation, name of the petitioner has come in this case. There is no other material available against this petitioner, except the allegation that he has illicit relation with the victim. Petitioner has got clean antecedent. Learned counsel further submits that having more or less similar allegation, co-accused, namely, Mohammad Mazhar has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 02.09.2020 passed in Cr. Misc. No. 15894 of 2020.

The learned Additional Public Prosecutor, however, opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, the petitioner above named, in the event of his arrest/ surrender before the court below



within a period of six weeks from today, is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Kishanganj/ concerned court in Pothia P.S. Case No. 162 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajesh Kumar Verma, J)

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