

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37729 of 2020

Arising Out of PS. Case No.-150 Year-2020 Thana- AAJAM NAGAR District- Katihar

Md Shahid @ Shahid, aged about 30 years, Male son of Abdul Mannan,
Resident of Village- Ratnia, PS- Azamnagar, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Senior Advocate with
Mr. Suresh Prasad Sah @ Baranwal, Advocate
For the State : Mr. Arun Kumar Singh No. 5, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Yogesh Chandra Verma, learned senior counsel along with Mr. Suresh Prasad Sah @ Baranwal, learned counsel for the petitioner and Mr. Arun Kumar Singh No. 5, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Azamnagar PS Case No. 150 of 2020 dated 26.06.2020, instituted under Sections 302, 201 and 120B of the Indian Penal Code.

4. The allegation against the petitioner and others is of killing the daughter of the informant, who was married to the



brother of the petitioner.

5. Learned counsel for the petitioner submitted that though the body has been recovered from the toilet of the matrimonial home wrapped in a plastic sheet, but the petitioner was living separately from his brother and has no connection either in the murder or had any knowledge of the incident. It was submitted that marriage having taken place 10 years ago and there being a son born out of the wedlock, aged 8 years, would show that there was no reason for committing the offence. Learned counsel submitted that the husband of the deceased, who was arrested at the spot, is still in jail and the petitioner has no criminal antecedent.

6. On the aforesaid stand on behalf of the petitioner, the Court on 22.07.2021 had asked learned APP to obtain the up-to-date legible photo copy of the entire case diary of the present case from the Superintendent of Police, Katihar who was also directed to send a specific report with regard to the stand that the petitioner is living separately from his brother, who is husband of the deceased.

7. Learned APP submitted that he has received the same and that the report of the Superintendent of Police, Katihar has also been forwarded to the Court.



8. Learned APP submitted that in the case diary and the report of the Superintendent of Police, Katihar, it has come that the ancestral house of the petitioner has two bedrooms, out of which one was given to the deceased and her husband and the other to the petitioner, but the petitioner lives at his in-laws' place at village Narayanpur which is 12 Kms. away from his ancestral place and used to come to the ancestral place from time to time. Further, it was submitted that during investigation, no direct role of the petitioner has come to light. Learned APP submitted that the post-mortem report discloses that there was injury on the head caused by hard blunt substance and death was due to strangulation caused by hanging and the said injury resulting in shock. On specific query of the Court as to whether any other injury has been found on the body of the deceased, the answer was in the negative. Further query as to whether the presence of the petitioner when the body of the deceased was recovered has come during investigation, learned APP submitted that no witness has stated with regard to the presence of the petitioner at the time the body was recovered.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of material which has come during investigation that the



petitioner used to live separately and further there being no injury on the body except for one injury on the head and death being caused by hanging as also no witness stating with regard to the presence of the petitioner at the time the body was recovered, the Court is persuaded to allow the prayer for pre-arrest bail.

10. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Katihar in Azamnagar PS Case No. 150 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of his bail bonds.

11. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.



12. The petition stands disposed of in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

