

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39265 of 2020**

Arising Out of PS. Case No.-82 Year-2020 Thana- PRATAPGANJ District- Supaul

Md Naushad @ Raza S/o Mahmood R/o Village- Pratapganj, Ward No. 10.  
P.S.- Pratapganj and District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                    |   |                                                             |
|--------------------|---|-------------------------------------------------------------|
| For the Petitioner | : | Mr. Md. Najmul Hodda, with Mr. Abdul Mannan Khan, Advocates |
| For the State      | : | Mr. Nand Kishore Prasad APP                                 |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

5      25-03-2021      Heard learned counsel for the petitioner and the 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 to do so by the office.

The petitioner seeks bail in Pratapganj PS Case No 82 of 2020, instituted for the offence under Sections 302,34 of the Indian Penal Code.

The prosecution case is that the informant's son, along with one Md Jamshed and Md Raju went to sleep on the 'Verandah' of the school. His son was watching the mango orchard alone. In the morning, he has been found murdered.

Learned counsel for the petitioner submits that based on alleged altercation which occurred few days back over stealing of Mangoes from the orchard, the petitioner has been implicated in this case. Neither of the two persons, who have gone to sleep on the 'Verandah' with the victim have claimed to see the



occurrence. None other has claimed to see the occurrence, and on suspicion, the petitioner continues to be in custody since 16.06.2020. It is submitted that the petitioner has no criminal antecedents and in the investigation, material has come to suggest that there was existing dispute between the parties, on account of which, he has falsely been implicated.

The learned APP for the State has opposed the prayer for bail. It is submitted that brother of the victim has deposed before the police that the petitioner has committed the murder.

Considering the rival submissions, 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 learned Additional Sessions Judge- VIIth, Supaul, in connection with Sessions Trial No. 139 of 2020, Pratapganj PS Case No. 82 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.

**(Madhuresh Prasad, J)**

shyambihari/-

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