

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40920 of 2020

Arising Out of PS. Case No.-13 Year-2020 Thana- ABADPUR District- Katihar

NAMAZ S/o Mohiuddin R/o Village- Baldogachhi, P.S.- Abadpur, District-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 26-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has filed the instant application for grant of regular bail in connection with S.T. No. 160/2020 arising out of Abadpur P.S. Case no. 13 of 2020 registered under section 302 of the Indian Penal Code.

As per allegation in the first information report, the petitioner was married to one of the daughters of the informant. On 26.1.2020, information was received by the informant from his younger daughter that his elder daughter was dead and there was a mark around her neck.

It is submitted by learned counsel for the petitioner that so far as allegations against the petitioner is concerned, are false and concocted. The basis of the first information report is the information received by the informant father of the deceased



from his other daughter Kohinoor Khatoon. Both Kohinoor Khatoon and the informant Kurban Ali have been examined in course of trial as P.W. 2 and P.W. 3. Referring to their depositions which have been brought on record as annexures to the supplementary affidavit, it is submitted that they have not supported the prosecution case and have been declared hostile. The petitioner is in custody since 29.1.2020 and is ready to abide by the conditions laid by this Court for his release on bail.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the contents of the depositions of the above mentioned two prosecution witnesses and the period in custody, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with S.T. No. 160/2020 arising out of Abadpur P.S. Case no. 13 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Katihar.

It is further directed that the petitioner shall remain physically present in Court on each date of the trial and in case



of absence on any date, for reasons not to the satisfaction of the learned trial court, the learned trial Court may proceed to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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