

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2331 of 2021

Arising Out of PS. Case No.-63 Year-2020 Thana- CHAKIA District- East Champaran

JAINOOL ABAIDDIN SON OF ABDUL GAFFAR @ MAHAMMAD
GAFAR RESIDENT OF VILLAGE-WARD NO.7, MEDAN SIRISIYA,
POLICE STATION-CHAKIA, DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar, Advocate.
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, APP
For the informant	:	Mr. Dhurendra Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-04-2021 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Chakia P.S. Case No. 63 of 2020 registered for the offence punishable under Sections 302, 120 (B), 34 of the Indian Penal Code.

As per the prosecution case, informant sister namely Rukhsar, niece @ Shabana Khatoon and nephew @ Masoom



Ansari were killed by someone on account of previous enmity with conspiracy.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that petitioner is step brother of the husband of the deceased Rukhsar and during the course of investigation, not even a single independent witnesses have supported the prosecution case and also there is no eye witness of the alleged occurrence. He is neither named in the F.I.R. nor was apprehended on the spot. He submits that the *post mortem* report suggested the cause of death as “Asphyxia due to strangulation”. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature and the petitioner is made accused only on suspicion and there is no eye witness in the present case. The petitioner has no criminal antecedent as mentioned in para 3 of the bail application and has been languishing in custody since 23.03.2020.

Learned APP for the State and learned counsel for the informant vehemently opposed the bail petition.

Considering the facts aforesaid, the above named



petitioner is directed to be enlarged on bail, **after framing of charge** and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Chakia P.S. Case No. 63 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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