

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1678 of 2021

Arising Out of PS. Case No.-244 Year-2020 Thana- UDAKISHUNGANJ District-
Madhepura

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Md. Ruksar @ Ruksar Alam @ Rukhsar Alam aged about 28 years Son Of
Md. Aajub @ Md. Ayub @ Ayub Resident Of Village - Rahta, P.S. - Uda
Kishunganj, District – Madhepura ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr.Dr. Sanjay Kumar Singh
For the Opposite Party : Mr. Md.Matloob Rab, APP 34

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-03-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in a case registered
for the offence punishable under sections 302/120B/34 of the
Indian Penal Code.

As per the prosecution case, son of the informant was
living in his sasural for twenty days. At about 1 am she came to
know that the condition of her son is very serious. Thereafter
she along with villagers reached there at 2.30 am but wife of her
son did not allow to meet him. In the mean time, dead body of
her son was taken down from Ambulance. Informant alleges that
this petitioner along with other accused persons named in the
FIR in connivance killed her son.

Learned counsel for the petitioner submits that the
petitioner is a distant relative of father-in-law of the deceased
and he is working in a garage which is situated just near the



house of the father-in-law of the deceased and when his condition became serious, he along with others accompanied with the deceased for taking him at the hospital for treatment and he has no concern with the wife of the deceased. He submits that save and except suspicion that he had illicit relation with the wife of the deceased, no other material has been collected during course of investigation to connect him with the occurrence. Learned counsel further submits that no motive has been assigned on the part of the petitioner for committing such offence. Charge sheet has already been submitted. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 17.9.2019.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate 1st, Udakishunganj, Madhepura in Uda Kishunganj Police Station Case No. 244/2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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