

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11016 of 2021

Arising Out of PS. Case No.-124 Year-2020 Thana- GHOGHARDIHA District- Madhubani

MD. MOHID @ GUJRA S/O MD. SHAKUR, RESIDENT OF WARD NO.1
DWARAM BHUTHI TOLA, P.S-PHULPRASH, DISTRICT-MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 05-08-2021

In view of sudden resurgence of COVID–19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Ghoghardiha P.S. Case No.124 of 2020 dated 30.07.2020, corresponding to G.R. Case No. 1385 of 2020 registered for offence punishable under sections 302 and 201 of the Indian Penal Code.

It is alleged that the petitioner has committed murder



of the informant's husband.

Learned counsel for the petitioner submits that the allegation has been made on 30.07.2020 whereas the husband of the informant is said to be missing from 16.07.2020. F.I.R. has been lodged on recovery of dead body and the petitioner's implication is merely on suspicion because the deceased was having some kind of intimate relation with the petitioner's wife. In the investigation, material has come to light that the deceased was having antecedents, including rape case against him. He was having intimate relation with several women and therefore, murder of the victim cannot be attributed to the petitioner, who was his brother-in-law. Having no criminal antecedent, the petitioner is stated to be in custody since 08.08.2020.

Learned APP has opposed the prayer for bail and he has submitted that in the investigation, there is material to show that the deceased was talking to the petitioner's wife shortly before he had gone missing.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of Learned Additional Sessions Judge, Jhanjharpur in Ghoghardiha P.S. Case No.124 of 2020 dated 30.07.2020, corresponding to G.R. Case No. 1385 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 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)

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