

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4028 of 2022

Arising Out of PS. Case No.-197 Year-2018 Thana- RUNISAIDPUR District- Sitamarhi

Md. Noushad, Son of Nek Mohammad, Resident of Village - Bhagwanpur,
Police Station - Riga, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mrs. Madhubala Verma, Advocate
For the Opposite Party/s :	Mr. Ram Bilash Roy Raman, APP
	Mr. Uday Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 20-07-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Runnisaidpur P.S. Case No. 197 of 2018 registered for the alleged offences under Sections 302 and 120(B) of the Indian Penal Code.

The prosecution case is that the petitioner and other co-accused persons under a conspiracy murdered the son of the informant over some dispute regarding monetary transaction.

The learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case and he is not even named in the FIR but has been arrested only on suspicion. During the course of investigation the fact came to the knowledge that the death of the deceased was due to an accident and falling over from a running tempo on the road and this is supported by the post-mortem report which shows bleeding from ear and nose and abrasion over elbow and neck. The cause of death is stated to be hemorrhage shock leading to CR failure as a result of above noted injuries, specially head injury caused by sharp object and hard and blunt object. There is no allegation of any assault by petitioner or other person. The death due to accident has been supported by the witnesses who were examined during investigation. Moreover, there is no eye-witness to the allegation made by the informant. Learned counsel further submits that all of the co-accused persons have either been allowed anticipatory bail or regular bail by this Court or by the learned court below. The charge-sheet has been submitted in this case and the petitioner is in custody since 27.08.2021 and is having clean antecedent.

Learned APP as well as learned counsel appearing on behalf of the informant opposes the prayer for bail submitting that the petitioner took away the son of the informant with him



and thereafter his dead body was brought to the house of the informant.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that several co-accused persons have been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 21.08.2018 passed in Cr. Misc. No. 44544 of 2018 and the allegations are similar and further considering the fact that charge sheet has been submitted and the petitioner is in custody since 27.08.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Runnisaipur P.S. Case No. 197 of 2018, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioner will be liable to be
cancelled by the court concerned.

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(Arun Kumar Jha, J)

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