

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10596 of 2022**

Arising Out of PS. Case No.-95 Year-2021 Thana- PRANPUR District- Katihar

Md, Kalam, Son of Late Juddin @ Juddin Mansuri, Resident of Village-Khangama, P.S. Azamnagar, District-Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Md. Musowir, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

4      20-12-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), if any, as pointed out by the office,  
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with S.T. No. 308 of 2021 arising out of Pranpur P.S.  
Case No. 95 of 2021 registered for the alleged offences under  
Sections 302, 120(B)/34 of the Indian Penal Code.

As per prosecution case, the brother of the informant  
was murdered due to illicit relationship of his wife with co-  
accused Md. Jakir. The informant saw the co-accused running  
away from the place where the murder of his brother was  
committed.

The learned counsel appearing for the petitioner  
submits that the petitioner is innocent and has been falsely



implicated in this case. The petitioner is not named in the F.I.R. and he has been named in this case on the basis of statement of witness Pankaj Yadav, which was recorded during investigation, in which, he disclosed that he identified three persons including the petitioner who were found fleeing away from the spot. Learned counsel further submits that it is clear from the F.I.R. that occurrence took place in the background of illicit relationship of the wife of the deceased with co-accused Md. Jakir and petitioner has got no concern with her. In this case charges have been framed and the petitioner is in custody since 26.06.2021. Learned counsel further submits that similarly placed co-accused Md. Masum @ Masum Akhtar has been granted bail by a Co-ordinate Bench of this Court vide order dated 11.08.2022 passed in Criminal Misc. No. 16313 of 2022.

Learned APP for the State opposes the prayer for bail submitting that one of witnesses, namely Pankaj Yadav, during investigation named this petitioner fleeing away along with two other persons including co-accused Md. Jakir in the night of occurrence.

Perused the record.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



lack of substantive material against the petitioner to connect him with the offences as alleged and further considering the grant of bail to the similarly placed co-accused Md. Masum @ Masum Akhtar vide order dated 11.08.2022 passed in Criminal Misc. No. 16313 of 2022 and also considering the framing of charge along with period of custody of the petitioner, he 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 Additional District & Sessions Judge, Katihar, in connection with S.T. No. 308 of 2021 arising out of Pranpur P.S. Case No. 95 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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.

**(Arun Kumar Jha, J)**

Ashish/-

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