

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13692 of 2022

Arising Out of PS. Case No.-190 Year-2021 Thana- PALASI District- Araria

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Badrul @ Badruddin @ Md Badrul S/o Late Sammi Resident of Village-
Kakorwa, Ward No.04, P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 10-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Palasi P.S. Case No. 190 of 2021 lodged under Sections 302,
201 read with Section 34 of the I.P.C.

As per the prosecution case, the allegation has been
made by the informant that her husband went to market to return
soon but when he has not returned, the informant tried to contact
on his mobile. It has been alleged that there was a continuous
talk going on with the petitioner and others. There was hot
discussion took place between them on some issue. The
allegation against the petitioner is that he has threatened to kill

him in one month. Subsequently, a photo was viral through whatsapp on the basis of which the informant identified that the sufferer of the whatsapp was her husband. Thereafter, she filed criminal case against the petitioner and others.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that there is no evidence available against the present petitioner. He further submits that during investigation, the recovery of blood strained *lungi* and the body of the deceased was recovered which was sent for F.S.L. and the report of F.S.L. is still awaiting. Learned counsel for the petitioner submits that petitioner is in custody since 19.12.2021 having one criminal case pending against him in which he is on bail. Learned counsel further submits that charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in

connection with Palasi P.S. Case No. 190 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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