

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12649 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- KADWA District- Katihar

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1. TARIQUE @ MD. TARIQUE, Son of Hazrat Ali Resident of Village - Kantadih, P.S.- Kadwa, Distt.- Katihar.
 2. Naushad @ Naushad Alam, Son of Jaqkkar Ali Resident of Village - Kantadih, P.S.- Kadwa, Distt.- Katihar.
 3. Kalimuddin @ Katamuddin, Son of Md. Islam Resident of Village - Kantadih, P.S.- Kadwa, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 03-08-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Kadwa

P.S. Case No. 26 of 2021, registered for the offences

punishable under Sections 302 and 120(B) of the Indian

Penal Code.



As per allegation, the informant's brother, namely, Tajamul Haque was taken away by one Md. Safique Alam @ Kaloo. When the brother of the informant did not return to his house till evening, he started searching him and in course of search, he found the dead body of his brother in the maize field of his uncle.

The learned counsel for the petitioners submits that the petitioners are innocent and falsely been implicated in this case. He submits that petitioners were arrested only on the basis of suspicion. He further submits that there is no eye witness to the alleged occurrence and the informant of the present case is the brother of the deceased. It is further informed that during the pendency of the investigation, wife of the deceased has lodged another complaint case vide C.A No. 796 of 2021 alleging that the present informant has killed her husband. He further submits that investigation in this case is also complete and charge-sheet has also been submitted. He also submits that even after investigation, there is no connecting material against the petitioners, except the alleged confessional statement before the police,



which has no legal sanctity.

The petitioners have been languishing in jail since 03.01.2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph 3 of the petition that the petitioners have no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of C.J.M., Katihar, in connection with Kadwa P.S Case No. 26 of 2021, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.



(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing him and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.



The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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