

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13073 of 2022

Arising Out of PS. Case No.-287 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Md. Shahnawaz @ Fatah @ Fatah Alam @ Md. Sainowaz (M) Age 27 years,
S/o Md. Fakhre R/o village- Pharre, P.S.- Chautham, District- Khagaria, At
Present R/o Mohalla- Pokaria Nawab Chouk, Ward No. 37, P.S.- Nagar,
Distt.- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Randhir Kumar No.1, Adv.
For the State : Ms. Meena Singh APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 11-05-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in *Begusarai Muffasil* P. S. Case
No. 287 of 2018, instituted for the offence punishable under
Sections 302 and 201/34 of the Indian Penal Code.

Earlier, the petitioner's prayer for bail was rejected by
this Court under order dated 27-09-2019. The petitioner is
brother-in-law of the victim.



It is alleged in the First Information Report that the petitioner's wife, who happens to be the sister of the victim, has informed that the petitioner had taken the victim from her in-laws house, whereafter, her dead body has been recovered from a box.

Petitioner's counsel submits that the petitioner is in custody since 29.10.2018. The Court, in the circumstance, had called for a report regarding the current stage of trial.

The report dated 04-04-2022 informs that the charge has been framed and, till date, no witness has been examined. Referring to the order of rejection dated 25-01-2022, passed by the learned Additional District and Sessions Judge, Begusarai, the petitioner's counsel submits that the daughter of the victim was examined and she has stated about her mother being beaten by her father, namely, Jamshed @ Guddu, uncle Mohammad Shamsheer @ Pappu and two other persons, whereas she has not named the instant petitioner. It is, under these circumstances, he submits that on extraneous considerations, the petitioner has been roped in the instant case and co-accused Shamsheer @ Pappu has already been allowed bail vide order dated 02-04-2019 passed in Cr. Misc. No. 1543 of 2019. The petitioner is a man of clean antecedents.



The learned APP for the State opposed the prayer for bail. It is submitted that the petitioner has been implicated by his own wife.

Considering the rival submissions and the fact that the co-accused Shamsher @ Pappu and petitioner's wife, who has implicated the petitioner, has already been allowed bail, the period of custody and no progress at the trial, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- 13, *Begusarai*, in connection with *Begusarai Muffasil P. S. Case No 287 of 2018, Sessions Trial No. 586 of 2021*, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving 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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