

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25397 of 2021

Arising Out of PS. Case No.-71 Year-2020 Thana- SHRI NAGAR District- Madhepura

MD. RIZWAN Son of Md. Ishaque Resident of Village - Laxmipur Bhagwati,
Ward No. 05, P.S.- Srinagar, District - Madhepura.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Uday Chand Prasad, Advocate.
For the State	:	Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

5 03-01-2022 The applicant/accused in Crime No.71 of 2020 registered with Police Station-Srinagar for the offences punishable under Sections 302, 201 and 120B of the Indian Penal Code, by this application is seeking his release on bail during the pendency of the trial.

Heard learned counsel appearing for the applicant/accused. He submits that except statement of witnesses expressing their opinion that the applicant has killed deceased Saifun Khatun there is no evidence to connect the applicant with the crime in question.

The learned A.P.P. opposed the application by contending that the applicant has killed his step mother Saifun Khatun over a dispute regarding the land and property.

I have considered the submissions so advanced and also



perused the case diary.

The F.I.R. is lodged by Md. Ishaque who happens to be the husband of the deceased Saifun Khatun. It is averred in the F.I.R. that on Friday Saifun Khatun left the house by informing him that she is going to paternal house. On Sunday her dead body was found in the pond. Legs of the dead body were found tied. The first informant expressed his opinion that Saifun Khatun must have been murdered by her step son Md. Rizwan and co-accused Md. Gufran. The Investigating Officer has also recorded statement of relatives of the deceased. These relatives namely Ajmun Khatun, Md. Ibrahim and Sanjida Khatun have also expressed their opinion that Saifun Khatun must have been murdered by the applicant Md. Rizwan and his son Md. Gufran. The applicant is a son begotten by the first informant from his first wife whereas deceased Saifun Khatun happens to be the second wife of the first informant. The evidence against the applicant appears to be that of the opinion expressed by the relatives of the deceased.

The investigation of the crime in question is already over. Considering the nature of evidence against the applicant, his further pretrial detention is not warranted. Therefore, the following orders:



(i). The application is allowed.

(ii). The applicant/accused in Crime No.71 of 2020 registered with Police Station-Srinagar for the offences punishable under Sections 302, 201 and 120B of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only



after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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