

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16313 of 2022

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

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Md. Masum @ Masum Akthar Son Of Md. Iliyas Resident Of Village-
Bangrua, Kevala Milik, P.O. Mahadeopur, P.S. Pranpur, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin, Adv.

For the Opposite Party/s : Mr. Upendra Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 11-08-2022 Let the defect, 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
Pranpur P.S. Case No. 95 of 2021 (Sessions Trial No. 308 of
2021) lodged under Sections 302, 120(B), 34 of the Indian Penal
Code.

As per the prosecution case, the allegation of murder
was against one Md. Jakir @ Akloo of the brother of the
informant, the cause of murder was explained that there is an
illicit relation between the wife of the deceased with accused
Md. Jakir @ Akloo who is named accused of the F.I.R.

Learned counsel for the petitioner submits that name

of the petitioner has come in this case only due to suspicion because the petitioner is younger brother of the named accused Md. Jakir @ Akloo. He further submits that by virtue of confessional statement of the co-accused police has arrested the present petitioner. He further submits that petitioner is in custody since 27.06.2021 in this case, chargesheet has already been filed and charge has also been framed and the petitioner have clean antecedent.

Learned counsel for the State opposes the prayer for bail and submits that petitioner was identified by some witnesses as mentioned in the case diary in the night when he was going with his elder brother (named accused Md. Jakir @ Akloo). He further submits that in the CDR, there is a continuous talk between the present petitioner and the named accused Md. Jakir @ Akloo.

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 Sessions Judge, Katihar in connection with Pranpur P.S. Case No. 95 of 2021 (Sessions Trial No. 308 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 resulted into cancellation of his bail bond.

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

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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