

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17624 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- FALKA District- Katihar

MD. KALO S/o Bogai Sah R/o Salehpur, P.S.- Falka, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 30-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Falka P.S. Case No. 369 of 2021 for the offences under
Sections 341, 323, 307, 435, 504 and 506/34 of the Indian Penal
Code.

As per the FIR, the informant's husband have two
wives, the informant being one of them. The further allegation is
that there was dispute between two wives after which the elder
one called her family members, who resorted to assault in which
while informant was injured her mother-in-law, namely, Rehmat
Khatoon succumbed to injuries.



In the case, case diary was called for which has since been received and perused by the learned APP for the State.

Learned counsel for the petitioner submits that there is omnibus allegation against the petitioner and other accused persons of assaulting the informant and her family members including the allegation against him of having lit fire in the hut. So far as injury on the informant and killing of her mother-in-law is concerned, as per the FIR, the same is specific to one Kitabul. Learned counsel further submits that he has no criminal antecedent and he is in custody since 30.10.2021 (as stated in paragraph-14 of the bail application).

Considering the fact that specific allegation is against accused, Kitabul, omnibus allegation against all the other accused persons coupled with the fact that the petitioner is in custody since 30.10.2021 and charge sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Katihar in connection with Falka P.S. Case No. 369 of 2021, subject to the following conditions.

- (i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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