

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19193 of 2022

Arising Out of PS. Case No.-299 Year-2020 Thana- DESARI District- Vaishali

MD. TAJUDDIN Son of Md. Sarfuddin @ Md. Samsuddin Resident of
Village- Husena, Police Station- Bhagwanpur, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mohammad Akhter Hussain, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as the informant.

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

The case is registered under sections 323, 498(A),
363, 365/34 of the Indian Penal Code, in connection with Desari
P.S. Case No. 299 of 2020.

As per the FIR, the informant has alleged that his
sister after marriage was always tortured and it has further been
alleged that not only she has been killed but even the dead body
was disappeared and as such the family members failed to see
the face.

Learned counsel for the petitioner submits that
without going into the merits of the case, so far as this petitioner



is concerned, he is brother-in-law of the deceased (Bahnoi) having no concern with the family. He has further submitted that he is in custody since 19.1.2022 and has no criminal antecedent. He lastly submits that one of the co-accused Md. Sabir (cousin brother-in-law) has since been released on bail vide Cr. Misc. No. 68951 of 2021 on 16.5.2022.

Let the same be kept on record.

Taking into account the aforesaid fact that he is in custody since 19.1.2022 and one of the co-accused has since been released on bail as also that charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

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 learned Judicial Magistrate, F.C., Vaishali at Hajipur, in connection with Desari P.S. Case No. 299 of 2020 subject to the following conditions:

- (i) one of the bailors should be the family members 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;

(iii) 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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