

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22520 of 2022

Arising Out of PS. Case No.-483 Year-2019 Thana- BIHPUR District- Bhagalpur

Md Tauhid S/o Md. Islam Resident of At- Bihpur Raien Tola, Ward No.12,
P.S.- Bihpur, District- Bhagalpur (Naugachia)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar Singh, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bihpur
P.S. Case No. 483 of 2019 registered for the offence under
Sections 302, 328,/34 of the I.P.C.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.09.2021.

The allegation against the petitioner is to commit
murder of son of the informant, aged about four years, along
with other co-accused persons/family members.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner has been falsely implicated in this



present case as to create a pressure for marriage, as admittedly, informant, who is the *Bhabhi* of this petitioner, is a widow. It is further submitted that admittedly, informant is not the eye witness of the occurrence, where allegation is purely based upon suspicion for the simple reason as petitioner brought the deceased after certain interval of time. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that as per FSL report, death was caused due to “*celphos*”, but fairly conceded that the informant is not the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, where the entire allegation is based upon suspicion against this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bihpur P.S. Case No. 483 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the



like amount each to the satisfaction of Additional Sessions Judge-I, Naugachia, Bhagalpur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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