

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24532 of 2022

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

Md. Gufran, Son of Md. Rizwan, Resident of Village- Khutha Rajai, Ward
No.5, @ Laxmipur Bhagwati, Ward no.5, P.S.- Shri Nagar, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Bam Bahadur Jha, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with Shri Nagar P.S. Case No. 71 of 2020, giving
rise to S.T. No. 93 of 2021, registered for the offences
punishable under Sections 302, 201 and 120B of the Indian
Penal Code.

As per the prosecution case, it is alleged that on Md.
Ishaque, who happens to be the husband of the deceased stated
that on the alleged date of occurrence Saifun Khatoon left the



house by informing him that she is going to paternal house. After two days, her dead body was found in the pond. Legs of the dead body were found tied. The informant suspects that she might have been killed by her step-son Md. Rizwan and the petitioner Md. Gufran.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is the son of Md. Rizwan and he happens to be the grand-son of the informant. Save and except the allegation that he is being son of Md. Rizwan, there is no other material, which suggests the complicity of the petitioner. The entire case is based on suspicion and non-else. However, co-accused Md. Rizwan, against whom there was identical allegation, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 25397 of 2021 vide order dated 03.01.2022 and moreover co-accused Md. Rizwan was sent up for trial and during the course of trial, the informant has not supported the prosecution case and in fact she categorically deposed that at the time of alleged occurrence, the petitioner and his father were residing at Rajastahan. The photo copy of the judgment passed by the learned trial court has been produced before this Court and the same is kept on the record. The petitioner is in custody



since 28.02.2022 having fair antecedent.

On the other hand, learned counsel for the State opposes the bail application, however, he shown his inability to confront the order passed by the learned coordinate Bench of this Court to differentiate the case of the petitioner from that of the co-accused, who has been granted bail.

Having regard to the submissions made on behalf of the parties and considering the fact that save and except the suspicion, there is no material, which suggests the complicity of the petitioner and moreover co-accused, having identical allegation, has already been granted anticipatory bail and later on acquitted by the learned trial court, apart from the fact that the petitioner is in custody since 28.02.2022 having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Madhepura in connection with Shri Nagar P.S. Case No. 71 of 2020, giving rise to S.T. No. 93 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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