

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25369 of 2022

Arising Out of PS. Case No.-150 Year-2021 Thana- BARURAJ District- Muzaffarpur

MD. SADAM HUSSAIN, S/o Alaudin Ansari R/o village- Bhagwanpur, P.S.
and P.O.- Barbaraj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2022 Heard Mr.Shashi Bhushan Kumar, learned counsel for
the petitioner and the learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Bararaj P.S. Case No.150 of 2021 instituted under Sections
304(b) and 209/34 of the Indian Penal Code.

As per the allegation in the FIR, the marriage of the
informant's daughter was solemnized with one Azhar Ali in
2019 but for want of motorcycle, it is alleged that she was
regularly tortured. On the fateful day, 04.08.2021 the informant
went to her daughter's house but did not find anyone and
accordingly she assumed that she has been killed.

Learned counsel for the petitioner submits that the
accusation is against Azhar Ali who happens to be his brother



and the allegation is that he was demanding motorcycle and in absence of fulfillment, the informant has alleged that her daughter may have been killed. However, without going into the merits of case in hand, it has been submitted that the petitioner herein is separated from his brother by metes and bounds and had absolutely no concern with the said family. Only because he happens to be his brother, he has been implicated for which he has already suffered by being in custody since 12.12.2021 (as stated in para-11 of the bail application). He lastly submits that he has no criminal antecedent.

Considering the fact that the demand of motorcycle has been alleged to be on the son-in-law of the informant, the petitioner happens to be his brother, he has no criminal antecedent and is in jail since 12.12.2021 as also the fact that charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bararaj P.S. Case No.150 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, subject to 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 cancellation of his bail by the Trial court itself;

(iii) the petitioner 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)

Prakash Narayan /-

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