

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39158 of 2021

Arising Out of PS. Case No.-108 Year-2021 Thana- DHAKA District- East Champaran

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Sheikh Soheb @ Soheb @ Mohammad Soyab Son Of Sah Mohammad
Resident Of Village- Raksha Rahimpur, P.S.- Dhaka, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 01-08-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Madhurendra Kumar, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

Petitioner seeks bail in a case registered in connection
with Dhaka P.S.Case No. 108 of 2021 for the offences
punishable under Sections 302/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
06.03.2021, the husband of the informant went to the house of
the petitioner to demand his wages, then the accused persons
abused and threatened him. It is further alleged that after some
time the deceased went outside but did not return thereafter, the



informant along with his family members tried to search but during the course of search she found that 4 to 5 unknown persons fleeing away from the Bamboo orchard and her husband was lying dead.

Learned counsel for the petitioner submits that admittedly, there is no eye witness to the alleged occurrence and on account of demand of wages some hot discussion had taken place. Save and except, this there is no other incriminating material which suggest the complicity of the petitioner in the said crime. It is next submitted that even during the course of investigation, the informant had not seen at any point of time that the deceased was being assaulted by the petitioner. It is next submitted that the entire case of the prosecution based upon suspicion. It is also submitted that petitioner is in custody since 13.03.2021, having fair antecedent.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the nature of allegation based on suspicion and also the fact that there is no likelihood to conclusion of trial in near future and moreover, he is in custody since 13.03.2021, let the petitioner, above named, be released on



bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahana in connection with Dhaka P.S.Case No. 108 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.

N.K/-

(Harish Kumar, J)

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