

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34350 of 2022

Arising Out of PS. Case No.-63 Year-2021 Thana- BAKHTIARPUR District- Saharsa

MD. CHUNNA @ NIHALUDDIN @ MD. NIHAL @ NEHAL Son of Kalal
Rahman @ Md. Belal @ Belal Resident of Village - Chakbharo, P.s.- Simri
Bakhtiarpur, Distt.- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rashmi Jha, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-09-2022 Heard Mrs. Rashmi Jha, learned counsel for the

petitioner and Mr. Bharat Bhushan, learned APP who represents

the State.

The case is registered under sections 302, 201, 120(B)

of the Indian Penal Code, in connection with Sessions Trial No.

35 of 2022, arising out of Bakhtiyarpur P.S. Case No. 63 of

2021.

The allegation in the FIR is that the informant has

submitted a written statement narrating that her husband had

married twice and she was his second wife. The further

statement is that her husband had developed illicit relationship

with his cousin sister-in-law, Chandan Devi and this may be the

reason that he was killed by Sanjay Sada and his associates.



She submits that so far as this petitioner is concerned, he had nothing to do with the matter and only because he is known to Sanjay Sada, the main accused that his name has cropped up. She further submits that the petitioner is in custody since 14.3.2021 (as stated in para-12 of the bail application).

Mr. Bharat Bhushan, learned APP on the other hand submits that there is killing of Pappu Sada and the role of the petitioner also came up in course of investigation and accordingly he does not deserve bail.

Considering the fact that the petitioner is in custody since 14.3.2021, the allegation is mainly attributed to Chandan Devi and Sanjay Sada, the charge-sheet stands submitted and he has no criminal antecedent, this Court is inclined to grant him the privilege of bail with strict conditions in view of the fact that charges have already been framed. 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 District and Sessions Judge, Saharsa, in connection with Sessions Trial No. 35 of 2022, arising out of Bakhtiyarpur P.S. Case No. 63 of



2021 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 every date 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)

Ravi/Ajay Singh

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