

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31112 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- SANHAULA District- Bhagalpur

1. MD. MURSHID S/o Late Md. Sultan
2. Bibi Gulshan W/o Md. Murshid
Both Resident of Village- Murgiyachak, P.S.- Sanhaula, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 328,304(B)/34 of the Indian Penal Code.

Allegation against the petitioners and other accused persons is that they were started demanding cash from informant's sister and due to non-fulfillment there of they were tortured his sister and due to that reason the informant's sister took poison. On 05.02.2022 she was admitted in the hospital and on the same day at 6 PM, she died.



Learned counsel appearing for the petitioners submits that petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it appears from the FIR that the deceased herself committed suicide after consuming poison. Further submits that the petitioner No.1 is father-in-law and petitioner No.2 is mother-in-law of the deceased and postmortem report of the deceased suggests that there was cyanosis present over lips and finger tips which support the version of the FIR and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 07.02.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Sanhuala P.S.Case No. 13 of 2022 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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