

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36761 of 2022

Arising Out of PS. Case No.-274 Year-2018 Thana- JOKIHAT District- Araria

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Mosin @ Mohsin @ Md. Mohsin Son of Late Mainuddin, Resident of village
- Demhaili, P.S.- Araria, District – Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 01-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Jokihat (Mahalgaon) P.S. Case No. 274 of 2018 corresponding
to S.T. No. 64 of 2022, lodged under Sections 302, 201/34 of the
Indian Penal Code.

As per prosecution, the present case has been filed
with allegation that the informant narrated that her husband
went outside the house by his motorcycle intimating that he
shall return after 2 hours, but he could not returned, his Mobile
was also switched off. After 2 days informant received
information that a dead body was thrown in the field. Informant

has identified that it is a dead body of her husband. On the basis of suspicion name of one Mohd. Rabis was disclosed by the informant in the F.I.R.

Learned counsel for the petitioner submits that the name of petitioner has not figured in the F.I.R. He submits that during investigation the name of petitioner has figured by virtue of self confessional statement of petitioner. Learned counsel for the petitioner further submits that petitioner is in custody since 17.09.2021, charge sheet has already been filed and there is one criminal case pending against him, in which he is on bail. He further submits that petitioner is ready to fulfill all the conditions, whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail and submits that name of petitioner has figured in this case only by virtue of suspicion.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat (Mahalgaon) P.S. Case No. 274 of 2018 corresponding to S.T. No. 64 of 2022, subject to the conditions

as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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