

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49309 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

Mustaque @ Mustafa Son of Late Sufail Resident of Village - Banjraha, P.S.-
Kundwa Chainpur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjana Srivastava
For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 09-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 365, 302, 201, 34 of the Indian Penal Code.

According to prosecution case, the informant namely, Janmohammad gave an written application on 14.07.2020 before the S.H.O. Kundwa, Chainpur alleging therein that his wife died ten years before. The informant perform second marriage but Mustak son of second wife always gave threatening to kill him if he not registered his land to name of him. Many time he abused and bitten him. His wife Halima



Khatun absconder from his house since 17.7.2020 in the evening. The informant searched here seriously but he could not find her. He has suspicion that after apprehending his wife the accused has kept her somewhere else.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of suspicion. He further submits that it appears from the F.I.R. that there is no eye witness of the alleged occurrence and during investigation nothing has come against the petitioner except the self-confessional statement of the petitioner. He further submits that after investigation police has submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Kaish has been granted bail by this Court vide order dated 25.04.2022 passed in Cr. Misc. No. 49592 of 2021. The petitioner is in custody since 17.07.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court



below where the case is pending in connection with Kundwa Chainpur P.S. Case No. 107 of 2020, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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