

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56133 of 2021

Arising Out of PS. Case No.-22 Year-2021 Thana- ABADPUR District- Katihar

MUJAHID Son of Rafique Alam R/O- Gwal Toli, P.S.- Abadpur, Distt.-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 16-05-2022 Let the defects, if any, be removed within four
weeks from today.

Heard 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 Abadpur P.S.Case No. 22 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
04.03.2021, the daughter of the informant was not found
present at home and thereupon search was made but she
could not trace. On 05.03.2021 the villagers asked that the
dead body of the daughter of the informant was found in the



field, who was killed by tying of her sari in her neck. It is further alleged that the husband of the informant ,who was residing at Kolkata stated on his mobile that one person namely, Raj was continuously giving threatening on his mobile no. 9608984131 that his daughter shall be killed. On the basis of aforesaid allegation, F.I.R has been instituted against holder of mobile no. 8828454820 and other unknown persons.

It is submitted by the learned counsel for the petitioner that petitioner is neither named in the FIR .nor he is the holder of the mobile number mentioned in the FIR. The name of the petitioner transpired on the confessional statement of Md. Shabbir, who was apprehended by the police. It is also submitted that during course of investigation, except suspicion no material has come which suggest the complicity of the petitioner in the alleged crime. During course of investigation, it has also come that the deceased had illicit relation with Md. Shabbir.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that co-accused Md. Shabbir has confessed his guilt and in



his confession active participation of this petitioner has also transpired.

Having heard the rival contentions of the parties and taking into consideration the fact that, petitioner is neither named in the FIR nor he is holder of the mobile number which was disclosed in the FIR and except suspicion, there is no other material which suggest the complicity of the petitioner in the alleged crime. Petitioner is in custody since 10.03.2021 having no criminal antecedent. Moreover, investigation has already been completed and charge sheet has submitted, 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 Additional Sessions Judge, III, Katihar in connection with Session trial no. 152 of 2021 arising out of Abadpur P.S. Case No. 22 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.

(Harish Kumar, J)

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