

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57567 of 2021

Arising Out of PS. Case No.-207 Year-2021 Thana- UCHKAGAON District- Gopalganj

EGRAM @ EGRAMUL HAQUE Son of Abdul Monaf Resident of Village -
Ekdwara, P.S. and District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yogesh Chandra Verma, Sr. Advocate. Mrs. Priyanka Singh, Advocate.
For the Informant	:	Mr. Harendra Prasad, Advocate.
For the Opposite Party/s	:	Mrs. Asha Devi, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 02-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 01.07.2021,
seeks regular bail in connection with Uchakagaon P.S. Case No.
207 of 2021 for the offence punishable under Sections
302/120B/34 of the Indian Penal Code and Section 27 of the
Arms Act.

As per the F.I.R., the allegation is of commission of
murder of the son of the informant by the F.I.R. named accused
persons including the petitioner.



Mr. Yogesh Chandra Verma, learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case merely on suspicion. He further submits that the allegation against the petitioner in the F.I.R. is that he is the conspirator of the alleged murder of the son of the informant, however from the perusal of the F.I.R. itself, it appears that the conspiracy is based on no foundational fact as well as there is no allegation of any overt act of any manner against the petitioner. In course of investigation the prosecution has made specific allegation against one Ashad Nomani @ Tiger that he had assaulted the son of the informant with fire arm and same fact is corroborated by the post mortem report and Para-79 of the case diary. The petitioner is in custody since 01.07.2021.

Mr. Harendra Prasad, learned counsel for the informant submits that the petitioner has played the role of conspirator and along with accused Ashad Nomani @ Tiger who has committed murder of the son of the informant. There is admitted land dispute and as such motive is also clear. Learned APP has supported the submission of the informant.

Having heard the rival submission of the parties and having perused the allegation made in the F.I.R. and the



evidence collected in course of investigation by the I.O., it appears that the allegation of conspiracy is not supported by any evidence. In course of investigation specific allegation of commission of murder is against Ashad Nomani @ Tiger and the said fact is evident from Para-79 of the case diary. Prima facie it appears that the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-IX, Gopalganj in connection with Uchakagaon P.S. Case No. 207 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

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

(4) If the petitioner is found involved in similar nature



of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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