

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50233 of 2022**

Arising Out of PS. Case No.-74 Year-2020 Thana- KAJRAILICHAK District- Bhagalpur

MD. MINATULLAH @ MINATULLAH Son of Md. Waziruddin R/V-
Simariya, P.S- Kajraili, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 09-12-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 147, 341, 323,
325, 379, 447, 427, 504 and 302 of the Indian Penal Code and
later section 302 of the IPC was added, in connection with
Kajraili P.S. Case No. 74 of 2020.

As per the prosecution story, one Wariruddin was
constructing his house unauthorizedly and when this was
protested by the informant's mother-in-law, the accused persons



assaulted her and when the other lady came to her rescue, she was also assaulted. Subsequently, the mother-in-law of the informant died. The further allegation is of taking away Rs. 10,000/- as also jewellery of Rs. 50,000/- which led to lodging of the FIR.

It is his further submission that the petitioner is only the bread earner of the family due to his long incarceration, the family is on the verge of the starvation.

From perusal of the record, it seems that occurrence took place on 17.11.2020 whereas the FIR was lodged on 26.11.2020 and there has not been any explanation for the said inordinate delay.

The petitioner is in custody since 13.2.2022.

Taking into account the inordinate delay in filing of the FIR and further omnibus allegation against all of them have been made as also the fact that the other co-accuseds were released on anticipatory bail by a coordinate bench of this Court vide Cr. Misc. No. 55265 of 2021 on 11.7.2022 while the petitioner was arrested and as such is bail application for anticipatory bail was withdrawn as would reflect at para-1 of the said bail order, this Court is inclined to grant him the privilege of bail.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of A.C.J.M.-XIV, Bhagalpur, in connection with Kajraili P.S. Case No. 74 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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