

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62033 of 2021**

Arising Out of PS. Case No.-34 Year-2020 Thana- SURSAND District- Sitamarhi

Md. Nasir @ Kankhal Son Of Md. Israil Darji R/O Village- Parsa (KUMHA),  
P.S.- Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

5      17-10-2022                      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  
Sursand P.S. Case No. 34 of 2020 lodged under Sections 302,  
201 of the I.P.C.

As per the prosecution case, the informant has  
narrated in the F.I.R. that he is resident of Sitamarhi and  
intimated that his brother has returned from Ludhiyana on  
02.01.2020. He submits that on 23.01.2020 in the evening at  
about 5 PM, his brother went outside till night he did not return.  
In the morning, the informant started searching then his dead  
body was found in the field of Jugal Rai. Informant saw some  
blood stain on the pumpset of one Bultun Sah and blood was

oozing out from the ears and mouth of his brother with some strangulation mark on the neck.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Learned counsel for the petitioner submits that his name has figured in this case by virtue of confessional statement of co-accused Md. Ashfaq. He further submits that F.I.R. has been lodged against unknown and accused persons whose name has figured in this case on suspicion are granted bail by the order of this Court dated 04.08.2021, 27.10.2021 and 15.12.2021 passed in Cr. Misc. No. 31963 of 2021, Cr. Misc. No. 50301 of 2021 and Cr. Misc. No. 51095 of 2021.

Learned counsel for the petitioner submits that petitioner is in custody since 03.04.2021 having clean antecedent. Charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

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 Sri Arvind Kumar, J.M. 1<sup>st</sup> Class,

Sitamarhi in connection with Sursand P.S. Case No. 34 of 2020, 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 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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