

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67763 of 2021

Arising Out of PS. Case No.-183 Year-2021 Thana- JOGAPATTI District- West Champaran

Arman Hussain, Son of Tahir Hussain, Resident of Village - Banuchhapar,
Ward No. 10, P.S. - Bettiah Muffasil (Banuchhapar O.P.), District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Jogapatti (Shanichari) P.S. Case No. 183 of
2021, registered for the alleged offences under Sections 302/201
of the Indian Penal Code.

As per the prosecution case, the police recovered
unidentified dead body of a lady. During investigation, it has
been found that the lady was named Kaushar Nisha and she was
murdered by her father and stepmother and the petitioner who is



the nephew of the father of the deceased had helped them in disposing of the dead body.

The learned counsel for the petitioner submits that the case has been registered against unknown and the petitioner is not named in the FIR and nothing incriminating has been recovered from his possession. The petitioner was not seen in the company of the deceased by anyone. The name of the petitioner came up in the confessional statement of co-accused Jahir Hussain, his uncle and even in the confessional statement, it has come that in a fit of anger, the co-accused Jahir Hussain hit his daughter and she died subsequently and to make the evidence disappear, the co-accused threw the dead body with the help of his nephew, the petitioner herein, in a canal. But except for this confessional statement of co-accused, there is nothing against the petitioner. Moreover, he is not involved in the killing of his cousin and he has no motive for the same. The petitioner has no criminal antecedent and he is in custody since 05.06.2021. The charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail submitting that the co-accused made confession before the co-villagers and this petitioner helped him in disposing of the dead body.



Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that there is no specific allegation against the petitioner for killing his cousin and there is no material to connect the petitioner with the killing and further considering the submission of charge sheet and the period of custody of the petitioner along with his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Jogapatti P.S. Case No. 183 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable



to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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