

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72026 of 2021

Arising Out of PS. Case No.-415 Year-2021 Thana- MADHEPURA District- Madhepura

Mousam Kumar @ Md. Mosim S/o Md. Salauddin R/o- vill- Jhitkiya, Ward
No. 2, P.S. Singheshwar, Distt. - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Madhepura
P.S. Case No. 415 of 2021 registered under Section 302 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 26.08.2021, is a person with clean
antecedent, charge-sheet has been submitted in the case and the
informant alleges that on basis of suspicion that the petitioner
killed his sister who was posted as guard in Sadar Hospital,
Madhepura and had come to the village to attend the marriage of
her brother and the petitioner had arranged room on rent for the
deceased, further alleges that the petitioner used to visit his house
secretly. Learned counsel submits that from bare perusal of the
allegation as alleged in the F.I.R. it would manifest that entire
allegation hinges around suspicion. Informant is not an eye



witness to the occurrence nor any motive has been assigned in the F.I.R. as to why the petitioner would have killed the deceased. It is further submitted that it is not possible for an individual to alone commit the occurrence when the postmortem report records asphyxia due to hanging.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 26.08.2021, is a person with clean antecedent and charge-sheet has been submitted in the case and the entire allegation hinges around the suspicion and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Madhepura P.S. Case No. 415 of 2021.

Learned counsel for the petitioner seeks permission to rectify the pleading made at Para '1' of the bail application.

Permission granted.

(Satyavrat Verma, J)

ved/-

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