

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72267 of 2021

Arising Out of PS. Case No.-308 Year-2020 Thana- FALKA District- Katihar

Kamrul Hoda S/o Abdul Kadir R/o Kushyari, P.S.- Falka (Pothia), Distt.-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Singh, Advocate Ms. Neha Rani, Advocate
For the Opposite Party/s :		Mr.Bharat Lal,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 17-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with S.T. No. 305 of 2021 arising out of Falka (Pothia)
P.S. Case No. 308 of 2020 registered for the alleged offences
under Sections 302 and 201 of the Indian Penal Code.

As per prosecution case, the father of the informant
went outside on the fateful day and later on, his dead body was
recovered in a bamboo orchard. From the appearance of his dead
body the informant surmised that his father was assaulted by brick
and *lathi* by the unknown miscreants causing his death. His mobile
phone and his pocket diary were taken away by the miscreants.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case due to village politics. There is no eye witness to the alleged occurrence and no one has seen the petitioner assaulting the father of the informant. A story has been made that the petitioner has taken Rs. 50,000/- from the deceased and there was mobile talk between them. Apart from it, there is no material collected against the petitioner during the whole investigation. Charge sheet has been submitted in this case and the petitioner is in custody since 18.05.2021.

Learned APP for the State opposes the prayer for bail of the petitioner. Learned APP submits that the informant and other witnesses examined during investigation have showed their suspicion regarding involvement of the petitioner in the offence of murder of his father. It has also come during investigation that at the instance of this petitioner, a rusted iron rod was recovered which is stated to be the murder weapon.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the fact that the recovery of iron rod is stated to be made from an open place and also considering the absence of substantive material against this petitioner, the petitioner above named 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 Sessions Judge, Katihar in connection with Falka (Pothia) P.S. Case No. 308 of 2020, 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)

Gautam/Daya

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