

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9123 of 2023

Arising Out of PS. Case No.-114 Year-2022 Thana- MAHARAJGANJ District- Siwan

MD. ZEYAUH HAQUE @ ZEYAUH HAQUE S/O SHEIKH DILSHER
Resident of village- Khanpura, P.S.- Maharajganj, District- Siwan,

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr.Advocate
	:	Mr.Binay Krishna, Advocate
	:	Mr.Rakesh Ranjan, Advocate
For the Opposite Party/s :	:	Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2023 Heard Mr. N.K.Agrawal, learned senior counsel

appearing for the petitioner assisted by Mr. Binay Krishna,

learned counsel and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
27.07.2022 in connection with Maharajganj P.S. Case No.
114 of 2022, F.I.R. dated 19.04.2022 registered for the offence
punishable under Sections 302/34 of IPC.

The informant alleges that his younger brother
(deceased) was married to Afreen Khatoon, the daughter of
the petitioner, it is next alleged that his brother was running an
electronic shop near his matrimonial home and his wife used
to reside with her parents, it is next alleged that wife was



having an extra marital relationship with other persons and his brother opposed the conduct of his wife on several occasions, he was assaulted by the family members of his wife, it is next submitted that on 18.04.2022, the wife of his younger brother came to the shop and took him to her place where the accused persons including the petitioner assaulted him badly and thereafter threw his dead body 300 meters away from the house.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case. Further submits that the informant is not an eye witness of the alleged occurrence even no one has seen the present occurrence and only on the basis of suspicion, the name of the petitioner and other accused persons have been implicated in the present case due to some dispute between the deceased and his wife and the petitioner is brother-in-law of the deceased and he has no role in the present occurrence and co-accused persons, namely, Saida Khatoon and others have been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 29.04.2023 passed in Cr. Misc. Nos. 68168 of 2022 and its analogous case and the police, after investigation, submitted



chargesheet against the petitioner and the petitioner is in custody since 27.07.2022.

Learned counsel for the informant and learned APP for the State have opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Siwan in connection with Maharajganj P.S. Case No. 114 of 2022, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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