

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13845 of 2022

Arising Out of PS. Case No.-348 Year-2016 Thana- DALSINGHSARAI District- Samastipur

MD. NAUSAD S/o- Md. Sabul R/o- Village - Pand (Dakutola), P.S. -
Dalsinsarai, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Mrs.Bhanu Pratap Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-02-2023 Learned counsel for the petitioner is permitted to
remove the defects, as pointed out by the office, if any, within a
period of four weeks from today.

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

The petitioner seeks bail in a case registered for the
offence under Sections 302, 201/34 of IPC.

The informant alleged that the petitioner and his
mother killed his daughter by feeding rat killing medicine
alongwith the food and hide the dead body.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. Further submits that the
allegation as alleged in the FIR is that the petitioner and his



mother killed the daughter of the informant by feeding rat killing medicine. Further submits that there is no eye witness of the alleged occurrence. Further submits that the petitioner is in custody since 05.10.2016 and the trial has not been concluded as yet.

Vide order dated 02.01.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 16.01.2023 reveals that the charge has been framed against the petitioner on 17.11.2018 and P.W.1, namely, Raziya Khatoon was examined on 01.07.2019 and thereafter the case record is fixed for prosecution evidence.

Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 05.10.2016.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, 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 court below where the case is pending in connection with S.Tr.No.588 of



2017/22 of 2018 arising out of Dalsingsarai P.S. Case No.348 of 2016 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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