

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25595 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- AAJAM NAGAR District- Katihar

MD. DANISH SON OF MD. JAHID ALAM R/O VILLAGE- KHOURA,
DAKOL, CHAHADPUR, P.S.- AZAMNAGAR (O.P. SALMARI),
DISTRICT- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Adv.
For the Informant	:	Mr. Md. Manzar Karim, Adv.
For the State	:	Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 24-01-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Azamnagar (Salmari O.P.) P.S. Case No. 49 of 2022 registered for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code.

As per prosecution case, informant suspected that petitioner and other killed the informant's wife.

Learned counsel for the petitioner submits that from perusal of the FIR, it appears that informant is not eye witness to the occurrence rather he has suspicion that petitioner



and other have committed the murder of his wife. He further submits that except suspicion there is nothing on record to connect the present petitioner with the alleged occurrence. There is no tangible evidence to demonstrate the culpability of the present petitioner with the alleged occurrence. Petitioner is in custody since 05.03.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 learned Chief Judicial Magistrate, Katihar in connection with Azamnagar (Salmari O.P.) P.S. Case No. 49 of 2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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