

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33285 of 2022

Arising Out of PS. Case No.-553 Year-2020 Thana- FORBESGANJ District- Araria

Md Sohrab @ Md Soharab Son Of Rustam Resident Of Village- Haripur,
P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-02-2023 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 302/34 of the Indian Penal

Code.

As per the prosecution case, the son of the informant

Masoom (deceased) eight months ago was married with the

Ruby Khatoon. On 11.07.2020 the informant came to know that

his has been killed by the accused persons including the

petitioner. It is further alleged that the wife of the deceased had

an affair with co-accused namely Shohrab and when the



deceased came to know about her affair and opposed all of them committed the murder of the son of the informant.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that due to illicit relation the present occurrence took place as alleged in the F.I.R. He further submits that there is no eye witness to the alleged occurrence and only on the basis of suspicion the petitioner has been falsely implicated in the present case. He further submits that except suspicion, no other cogent material has come during investigation against the petitioner. He further submits that in fact the petitioner is neither the family member of the deceased nor he is a resident of same village and he is an outsider of other village. He further submits that similarly situated co-accused person namely Md. Imamul @ Md. Emanul who is father-in-law of the deceased has been granted bail by a Coordinate Bench of this Court vide order dated 29.06.2021 in Cr. Misc. No. 12339 of 2021 and another co-accused persons namely Ruby Khatoon and Jashemun, who are wife and mother-in-law of the deceased have been granted bail by a Coordinate Bench of this Court vide order dated 31.03.2022 in Cr. Misc. No. 3446 of 2022 respectively and the police after investigation



submitted chargesheet against the petitioner and the petitioner is in custody since 23.03.2022.

Learned APP for the State has 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/- (Rupees 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 Forbesganj P.S. Case No. 553 of 2020, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

