

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.35955 of 2023

Arising Out of PS. Case No.-200 Year-2022 Thana- LAURIA District- West Champaran

GUL BABU @ GULBABU @ GUL ANWAR KHAN Son of Farku Khan @ Faruk Khan Resident of Sikta Devraj, P.S.- Lauriya, District - West Champaran. Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr.Md Fazle Karim, Advocate
For the informant : Mr. Bimlesh Kumar Pandey, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-07-2023 Heard Mr. N.K. Agrawal, learned Senior Counsel for the petitioner and Mr. Bimlesh Kumar Pandey who represents the informant as also Mr. Jitendra Kumar Singh, learned APP for the State.

The petitioner is in judicial custody in connection with Lauriya P.S. Case No. 200 of 2022 for the offence punishable under Sections 302, 120(B) and 34 of the I.P.C. lodged on 19.6.2022 by the informant, Kaushar Khan.

As per the prosecution story, the allegation is that the deceased after informing his brother that he is going to attend a birthday party separated but later, he got information that he is being beaten by the accused persons. Subsequently, he got another call that he has been shifted to GMCH, Bettiah. The informant reached there and for better treatment was being taken to Gorakhpur but he succumbed to the injuries.

Learned Senior Counsel submits that the allegation is



omnibus in nature and in fact he was caught during the theft, beaten by locals, the petitioner himself took him into the hospital but has been implicated.

Mr. Pandey, on the other hand submits that it is not the case of theft rather honour killing as the investigation has shown that the girl, own sister of the petitioner herself called in the midnight to inform that the informant's brother is being beaten by her brother.

Learned APP too echoes the submission of the learned counsel for the informant but concedes that allegation is omnibus in nature.

Considering the aforesaid facts as also that the allegation is omnibus, the petitioner is in custody since 22.11.2022 (as per para-19 of the petition), this Court is inclined to extend him the privilege of bail after framing of the charges.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Lauriya P.S. Case No. 200 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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