

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40656 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- BALUA BAZAR District- Supaul

MD. GUFRAN @ GUDDU Son of Md. Samil Resident of village-
Barmotara, Ward No. 2, Lachminia, Police Station- Balwa Bazar, District-
Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal (Sr. Adv.)
	:	Md. Najmul Hodda, Adv.
	:	Mr. Kumar Rajdeep, Adv.
	:	Mr. Arvind Kumar, Adv.
For the Opposite Party/s	:	Mr. Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 31-01-2023 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 and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Balwa
Bazar (Lalitgram) P.S. Case No. 53 of 2021 (S.T. No. 96 of
2022) registered for the offences punishable under Sections 363,
364, 120(B)/34 of the Indian Penal Code and subsequently
added Section 302/201 of the Indian Penal Code.

As per prosecution case, petitioner and others came
at the house of informant and took away the informant's son to
Ghurna Bazar to see Kartik Purnima Mela but his son did not



return upon which informant started searching his son. It is further alleged that petitioner and others concertedly kidnapped the informant's son and later on committed his murder.

Learned counsel for the petitioner submits that petitioner is in custody since 24.11.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is quite innocent and has committed no offence as alleged in the F.I.R. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. At best it is a case of last seen of the deceased with the petitioner and there is no iota of evidence against the petitioner. No incriminating article has been recovered from the conscious possession of the present petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the



petitioner, argument advanced on behalf of the parties 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 Addl. District and Sessions Judge 1st cum Special Judge, Supaul in connection with Balwa Bazar (Lalitgram) P.S. Case No. 53 of 2021 (S.T. No. 96 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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