

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40361 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- AMAUR District- Purnia

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1. EKLAKH Son of Najam @ Najamuddin R/o village-Belka, P.S.-Amour, District-Purnia
 2. AMOD @ AHMAD HUSSAIN Son of Najam @ Najamuddin R/o village-Belka, P.S.-Amour, District-Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N,K Agarwal, Senior Advocate
	:	Mr. Dr. Bidu Ranjan (advocate)
	:	Mr. Kumar Rajdeep (advocate)
	:	Mr. Diksha Kumar (advocate)
For the Opposite Party/s	:	Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard Mr. N.K. Agarwal, learned Senior Counsel
for the petitioner, Informant and the State.

The petitioners apprehend their arrest in connection with Amour P.S. Case No. 34 of 2023 for the offence punishable under Sections 302, 34 of the I.P.C lodged on 28.01.2023 by the informant Saira Khatoon.

As per the prosecution story, it has been alleged that her son was a labourer in the mill and on the fateful day, he was thrashed by one Md. Naurej and on the same night, her son went for the work and failed to return and later his dead body was found, the lady has suspicion that Md. Naurej along with his associate killed her son. Accordingly, the FIR.



Learned Senior counsel submits that the two petitioners are '*mama*' of Md. Naurej and as such, they have been dragged in the present case and further they are ready to abide by all terms and conditions.

Learned counsel for the informant, on the other hands submits, that it is a case of honour killing as lady of the family member of Md. Naurej was in love with the deceased which resulted into his killing.

Considering the fact that there is suspicion is against Md. Naurej, no one is the eye witness of the said occurrence, the two petitioners are maternal uncle of Md. Naurej and they do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioners, in the event of their arrest or surrender within a period of four weeks from the date of the receipt of the order, 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 Chief Judicial Magistrate, Purnia, in connection with Amour P.S. Case No. 34 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

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

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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