

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45206 of 2023

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

Naurej @ Munsii @ Md. Naurej S/O Rakib R/O Village- Belka, P.S- Samor,
Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Dr. Bidhu Ranjan, Advocate
For the Informant	:	Mr. Fazle Karim, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-09-2023 Heard Mr. N.K. Agrawal, learned senior counsel for the petitioner assisted by Dr. Bidhu Ranjan, Advocate, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 06.02.2023 in connection with Amour P.S. Case No.34 of 2023, F.I.R. dated 28.01.2023 for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, 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 (petitioner) 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



(petitioner) along with his associate killed her son.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the informant is not the eye witness of the alleged occurrence and it has come during investigation that the deceased was last seen with the petitioner and the informant in his statement has developed new story. He further submits that except the suspicion and last seen with the deceased, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Eklakh has been granted bail by a co-ordinate Bench of this Court vide order dated 28.07.2023 passed in Cr. Misc. No. 40361 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 06.02.2023.

5. The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material has come during investigation to suggest the involvement of the petitioner in the present



occurrence and the petitioner was last seen with the deceased and paragraph no.6, 7, 8 and 12 of the case diary the witnesses have supported the case of the prosecution.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnia in connection with Amour P.S. Case No. 34 of 2023, subject to 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 witnesses, 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 antecedent, 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)

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