

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45011 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- PUWAKHALI District- Kishanganj

Jamaluddin Son Of Samsuddin R/O Village- Bankbasti Dumaria, P.S.-
Powakhali, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-02-2023 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, 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, 201, 120(B)/34 of the Indian Penal Code.

As per prosecution case, the son of the informant went out in the night to attend the call of nature but did not return. In the morning, the informant received an information that a person was found hanging in the house of the petitioner Jamaluddin and when the informant reached there, he found the dead body of his son.



Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case only on the basis of suspicion. He further submits that there is no eye witness to the alleged occurrence and due to previous enmity the name of the petitioner has been falsely implicated in the present case. He further submits that the name of the petitioner has been transpired in this case only on the basis of confessional statement of co-accused namely Samima Khatoon and except the confessional statement of co-accused person, no other cogent material has come during investigation against the petitioner. He further submits that co-accused person namely Samima Khatoon has been granted bail by a Coordinate bench of this Court vide order dated 18.11.2022 in Cr. Misc. No. 44047 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 16.05.2022.

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 Powakhali P.S. Case No. 14 of 2022, 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)

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