

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46009 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- MANJHAGARH District- Gopalganj

SAMI ALAM @ SAMI SON OF ANWAR ALI R/O VILLAGE- INDRWA,
P.S.- MANJHAGARH, DIST.- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Chandra

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 04-04-2023 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one month.

Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in
connection with Manjhagarh P.S. Case No. 52 of 2022, registered for
the offences punishable under Sections 302, 201, 120B of the Indian
Penal Code.

As per allegation, in the night of 18.02.2022 at about
12:30 P.M. Tabrej Alam went from his house talking on mobile
phone. His mother Akhtari Khatoon asked him as to where he was
going, he replied that he would return in five minutes, but he did not
return. His dead body was found on 20.02.2022 she expressed her
firm belief that some unknown persons has killed her son.



The learned counsel for the Petitioner has submitted that there is nothing against the petitioner except confessional statement of the co-accused Umar Ali in his confessional statement has confessed his guilt and also named the present petitioner and has stated that the deceased was talking with his daughter and she was in love and affection with the deceased and he was adamant of his stand, he along with petitioner made a plan to eliminate him. They brought him and consumed liquor and thereafter, Umar Ali committed murder by slitting his throat.

The learned counsel for the petitioner, has submitted that in confessional statement of Umar Ali no overt act has been assigned against the petitioner. Co-accused himself has confessed his guilt and he has stated that it was Umar Ali who slit the throat of the deceased. The only allegation against the petitioner in confessional statement is that he was involved in conspiracy.

On the other hand, the learned APP as well as Learned counsel for the informant have opposed the prayer for bail.

Considering the above mentioned facts and circumstances and also considering that petitioner is under custody for more than a year, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No. 52 of 2022, subject to the following conditions:-



(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offense, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned herein above, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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