

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50000 of 2023

Arising Out of PS. Case No.-231 Year-2019 Thana- KUSHESHWARASTHAN District-
Darbhanga

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MD. GULAB @ MOHD. GULAB SON OF MD. SALIM RESIDENT OF
VILLAGE - BUDHWABASADH, POLICE STATION - KUSHESHWAR
ASTHAN, DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Smiti Bharti , Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, Addl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 302, 120B and 34 of the
Indian Penal Code.

3. As per the prosecution case, the informant is the
brother of the deceased, who has alleged that the deceased had
lent Rs. 50,000/- to the petitioner for solemnizing the marriage
of his daughter. When the money was demanded by the
deceased, the petitioner got irked and thought of teaching a
lesson to the deceased. In order to create a situation whereby the
the deceased could be killed, the petitioner is alleged to have
developed some intimacy with the deceased. Later, it has been



alleged that the deceased was accompanied by the petitioner and another and thereafter the whereabouts of the deceased could not be known . The petitioner and his associates were also found to be absconding, raising suspicion against him. The allegation therefore, has been laid in the FIR that the petitioner along with his associates have killed the deceased.

4. It is submitted that from bare perusal of the FIR, it is apparent that the informant had seen Md. Sikandar with the deceased Md. Shamshir. The petitioner has been made accused in this case merely because he happens to be the brother-in-law of the co-accused Md. Sikandar. There is no specific overt act alleged against this petitioner and police has submitted final form against this petitioner in this case . The petitioner has got no concern with the alleged occurrence . Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged 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 Sessions Judge Camp Court Benipur, Darbhanga in
connection with Kusheshwar Asthan P.S. case no . 231 of
2019, subject to the conditions laid down under section
438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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