

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55016 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- POTHIIYA District- Kishanganj

TAUSIF @ TAUSIF ALAM Son of Imajuddin R/o vill - Naya Bari, P.S. -
Pothia, Distt - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Pothia P.S. Case No. 71 of 2023 registered under Sections 302/34 of the Indian Penal Code lodged on 31.03.2023 by the informant, Rahi Akhtar.

As per the prosecution story, all the named accused persons including the petitioner herein along with 4-5 unknown persons abducted the informant's brother namely, Md. Maksab on the way. It has been further alleged that he was confined whole night in the house of co-accused, namely, Irshad where he was brutally assaulted and hanged to death by them. Accordingly the FIR.

It is the case of the petitioner that he has been falsely



implicated in this case due to his activeness as PACS Chairman. The deceased and one Tofa Parween were in relationship and their acrimony led to lodging of Mahila P.S. Case No. 5 of 2022. He had compelled the deceased and his family members to compromise with the informant. There is no eye witness to the occurrence. Further, against brutal assault allegation, the post mortem report states about ligature mark on the neck.

Learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts as narrated, is in judicial custody since 03.05.2023 and co-accused Md. Allaudin has been granted anticipatory bail by a co-ordinate Bench in Cr. Misc. No. 40974 of 2023 by a Co-ordinate Bench, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Kishanganj in connection with Pothia P.S. Case No. 71 20023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;



(ii) the petitioner 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 his/her bail bond by the Trial court itself;

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

(iv) the petitioner 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 his bail bonds;

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

(Rajiv Roy, J)

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