

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 66874 of 2022

Arising Out of PS. Case No.-286 Year-2022 Thana- NARPATGANJ District- Araria

1. Md. Saddam Hussain @ Saddam Hussain Son of Md. Abujar R/V- Bela Tinkhambha Tola, Ward No. 1, P.S- Narpatganj, Dist- Araria
2. Md. Isahak @ Md. Ishaque Son of Md. Abujar R/V- Bela Tinkhambha Tola, Ward No. 1, P.S- Narpatganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Sharda Nand Mishra, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Narpatganj (Basmatiya) P.S. Case No. 286 of 2022, registered for the offences punishable under Sections 341,323,365,366,504,506/34 of the Indian Penal Code to which later on Section 302 of the Indian Penal Code was added.

The prosecution case is based on a written report of the informant alleging therein that the marriage of the daughter



of the informant was solemnized with co-accused Md. Siraj and after the marriage all the accused persons were indulged in assaulting and torturing the deceased. They have earlier also threatened to commit murder of the victim and on 19.06.2022 the informant received an informant that his daughter is traceless from her *sasural* hence suspicion has raised against all the accused persons, including the petitioners who are non-else but the brother-in-law of the deceased.

Learned counsel appearing on behalf of the petitioners submits that admittedly the petitioners are brother-in-law of the deceased and only on account of they being family members their names have been implicated in this case however, save and except the suspicion there is no other material suggesting their complicity. It is vehemently submitted that the petitioners have been residing separately from the deceased and her husband and have no concern with the affairs of the deceased. He next submits that surprisingly the husband of the deceased who was residing in the house from where the deceased got traceless has not been made accused and now the petitioners are in custody for over a period of 7 months and charge-sheet has already been submitted and, as such, there is no chance of tampering with the evidence or intimidating the witnesses.



On the other hand learned APP for the State vehemently opposed the bail application and submits that the petitioners being the brother-in-law of the deceased their complicity in the crime cannot be denied.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are residing separately from the deceased and her husband, apart from the fact that the husband has not been made accused in this case, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj (Basmatiya) P.S. Case No. 286 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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