

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69233 of 2022

Arising Out of PS. Case No.-130 Year-2021 Thana- BAUSI District- Araria

=====

Saiyad @ Md. Saiyad Son of Irfan R/V- Karankiya, Ward No. 7, P.S- Bousi,
Dist- Araria Petitioner/s

Versus

The State of Bihar Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Ms. Renu Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code but the police have submitted the charge sheet under
Section 306/34 of the Indian Penal Code.

According to prosecution case, all the accused persons
including the petitioner have committed the murder of the
daughter of the informant and hanged her dead-body on mango
tree blaming her for having illicit relation with co-accused, Md.
Nasar.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



allegation against the petitioner is that he has killed his wife. He further submits that it has come during investigation that the wife of petitioner has committed suicide herself and even not a single independent witness has come forward to suggest that the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Md. Nasar @ Abu Nasar has been granted bail by a Co-ordinate Bench of this Court vide order dated 22.02.2023 passed in Cr. Misc. No. 72414 of 2022 and another co-accused persons, namely, Md. Naushad and Md. Gudara @ Dilshad have been granted bail by a Co-ordinate Bench of this Court vide order dated 28.11.2022 passed in Cr. Misc. No. 23090 of 2022. The petitioner is in custody since 17.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 Court below where the case is pending in connection with S.T. No.



474 of 2022 arising out of Bousi P.S. Case No. 130 of 2021,
subject to 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 witnesses, 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 antecedent, 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)

Vanisha/-

U		T	
---	--	---	--

