

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74435 of 2022

Arising Out of PS. Case No.-89 Year-2020 Thana- ARER District- Madhubani

Md. Khalil S/o Late Sabdul R/v- Ektara, P.S.- Arer, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-05-2023 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 who is in custody since 18.08.2022 in connection with Arer P.S. Case No. 89 of 2020, F.I.R. dated 03.08.2022 for the offences punishable under Sections 302 and 120B of the Indian Penal Code.

According to prosecution case, all the accused persons have committed the murder of the daughter of the informant and the cause of death was strangulation.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case merely on the ground that the petitioner is father-in-law of the deceased. He further submits that the due to depression the victim has committed suicide herself. He further submits that the husband of the victim is doing job in foreign country. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and the informant is not the eye witness of the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 18.08.2022.

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 Sub Divisional Judicial Magistrate, Benipatti in connection with Arer P.S. Case No. 89 of 2020, 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)

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