

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75391 of 2022

Arising Out of PS. Case No.-280 Year-2021 Thana- AAJAM NAGAR District- Katihar

MANSOOR ALAM Son of Late Samsul Resident of Village- Gajhout, P.S.-
Azamnagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No. 220 of 2022 arising out of Azamnagar P.S. case No.
280 of 2021 registered for the offence under Sections 302, 201,
120(B) of the Indian Penal Code.

The son of the informant is alleged to have been killed
by the petitioner and his family members.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
there is no eye witness to the alleged occurrence and merely on
the basis of suspicion, the petitioner has been made accused in
this case. In fact, the petitioner happens to be father-in-law of



deceased and he has not played any role in the alleged occurrence. Except suspicion, no cogent material has surfaced in this case against the petitioner to suggest the involvement of the petitioner in the alleged occurrence. He further submits that the son-in-law of the petitioner accidentally fallen in the open septic tank and died. He further submits that the similarly situated co-accused namely, Subera Khatoon @ Subra Khatun who is wife of the deceased and daughter of the petitioner has been granted bail by this Court vide order dated 21.04.2023 passed in Cr. Misc. No.71285 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 09.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Sessions Judge-II, Katihar in connection with Sessions Trial No. 220 of 2022 arising out of Azamnagar P.S. Case No.280 of 2021, with 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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