

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.607 of 2023

Arising Out of PS. Case No.-33 Year-2022 Thana- BARSOI District- Katihar

Abua @ Mustak Alam S/O Sri Md. Gaffar @ Abdul Gafar, R/O Village-
Jokalbari (Paschim Tola), P.S.- Barsoi (Kachna Op), Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 25-03-2023 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode

The petitioner seeks regular bail in connection with
Barsoi (Kachna O.P.) P.S. Case No. 33 of 2022 lodged under
Sections 302, 201 and 120B/34 of the Indian Penal Code.

As per prosecution case, F.I.R. has been lodged against
5 named accused persons including the present petitioner.
Informant alleged that the relation between his son and
daughter-in-law was strange. He disclosed that there was a
relation of his daughter-in-law with one Md. Gani. It has been
alleged that on 21.02.2022 when he was sleeping then upon
hulla, visited to his son's house and seen that the hand of his
daughter-in-law has cut and she has disclosed that Manwar has

cut her hand. On reaching the village of his daughter-in-law, the people of the said village started threatening that they shall kill his son, upon which the informant returned to his house and received information that dead body of his son has kept in Gorua village.

Counsel for the petitioner submits that there is no eye-witness of the occurrence and name of 5 accused persons including the present petitioner has come in this case only and only by virtue of suspicion. Counsel further submits that there is one criminal case pending against the petitioner in which he is on bail. Counsel further submits that petitioner is in custody since 22.09.2022. Counsel further submits that a similar situated person as like that of petitioner has preferred before this Hon'ble Court and Co-ordinate Bench of this Court has pleased to grant bail vide order dated 13.03.2023 passed in Cr. Misc. No. 58912 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to

the satisfaction of learned Additional Chief Judicial Magistrate-I, Katihar in connection with Barsoi (Kachna O.P.) P.S. Case No. 33 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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