

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22414 of 2024

Arising Out of PS. Case No.-1407 Year-2023 Thana- PHULWARISHARIF District- Patna

Tavish Nisha @ Lalu Son Of Md. Naushad Alam Resident Of Mohalla -
Ishopur, P.S. - Phulwari Shariff, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raja Ram Mishra, Advocate
For the Opposite Party/s	:	Ms. Asha Devi, APP
For the Informant	:	Mr. Yogesh Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 07-05-2024 Heard learned counsel for the petitioner and learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Phulwarisharif P.S. Case No. 1407 of 2023 instituted for the
offence under Sections 302 & 34 of the Indian Penal Code.

3. Prosecution case in short is that petitioner was in
illicit relationship with the wife of the deceased since last six
years and petitioner along with wife of the deceased hanged the
son of the informant (deceased).

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 28-09-2023. Petitioner is a
man of clean antecedent.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case only on the basis of suspicion. It is submitted that there is no eyewitness to the alleged occurrence. It is next submitted that there is no complaint about the illicit relation between the petitioner and wife of the deceased prior to this FIR and it is falsely alleged that the illicit relation was there. It is submitted that there is contradictory statements in the FIR itself.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 9 of the case diary, it is submitted that witness has supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, fact that petitioner's name figured in this case only on the basis of suspicion and clean antecedent of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, **after framing of charge, if not already framed**, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulwarisharif P.S. Case No. 1407 of 2023, subject to the following



conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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