

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38036 of 2024

Arising Out of PS. Case No.-325 Year-2023 Thana- AMDABAD District- Katihar

Md Rahul Amin @ Md Rahul Amit@ Ruhul Amit @ Ruhul Amin Son of Md Mustafa @ Golam Mustafa Resident of Village-Singhaniya , Post Office- Delhi Diwanganj, P.S- Amdabad, Dist- Katihar, Bihar, Pin Code- 854117

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jibendra Mishra, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Amdabad P.S. Case No. 325 of 2023, registered for the offences under Sections 302, 201 & 34 of the Indian Penal Code.

3. As per the prosecution case, dead body of the husband of the informant was found near banks of river Mahananda. The informant showed his suspicion that due to dispute over money transaction with the petitioner he and other co-accused persons killed her husband and threw the dead body in the river.

4. Learned counsel appearing on behalf of the

petitioner submits that the petitioner is innocent has been falsely implicated in this case. There is no eye witness to the occurrence and all the witnesses examined by the police are highly interested witnesses being the family members of the informant. Even from the statement of the informant in the F.I.R. it is apparent that her husband was having good relationship with the petitioner. The claim of the informant that she was with her husband when he was taken away by the petitioner on 16.12.2023 is not believable as the informant did not lodge any report with the police thereafter and the report was lodged only on 24.12.2023 after the dead body was recovered. There is no explanation for this delay of eight days. The allegation that the husband of the informant was killed and his dead body was thrown in the river gets falsified by the post mortem report which shows death was caused as a result of drowning and the abdominal cavity was found to contain muddy water with semi solid food material with alcoholic smell. It is probable that the deceased was under intoxication and got drowned in the river while fleeing away as the husband of the informant had taken huge amount from local agents on pretext of supplying labourers and failed to meet his commitment. Learned counsel further submits that the name of one Md. Sagir

came to the knowledge who used to give threat to the deceased and deceased was last seen with Md. Sagir 6-7 days prior to the occurrence. The C.D.R. report also shows the deceased was in regular contact with this Md. Sagir. The petitioner is in custody since 15.01.2024 and charge sheet has been submitted. The petitioner is having clean antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offences as alleged and further considering period of custody and submission of charge sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M.-Ist Class, Katihar/concerned court, in connection with Amdabad P.S. Case No. 325 of 2023, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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