

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54179 of 2024

Arising Out of PS. Case No.-175 Year-2023 Thana- MAHISHI District- Saharsa

Md. Akram S/O Nur Alam @ Noor Mohammad @ Md. Sanaullah R/O
Village- Jalai, P.S.- Mahesi, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Sessions Trial No. 419 of 2023, arising out
of Mahisi (Jalai O.P.) P.S. Case No. 175 of 2023, registered for
the offence punishable under Sections 302 and 201 of the Indian
Penal Code.

3. The FIR has been instituted against unknown
person, when the dead body of the son of the informant was
found lying in a bush, who was strangled to death.

4. Learned Advocate for the petitioner contended that
admittedly, the FIR has been instituted against unknown



miscreants. However, during the course of investigation, on the basis of call details report, co-accused *Md. Shamshai* was apprehended by the police. The name of the petitioner has sprung up on the confessional statement of co-accused *Md. Shamshai* and thereafter, basing upon the call details report, the petitioner was apprehended and put behind the bar. It is further contended that the petitioner is none else but the own brother-in-law of the deceased and, as such, there is no motive to causing his death. It is also contended that there is no eyewitness to the alleged occurrence and the entire case is based upon confessional statement and circumstantial evidence, but the chain of the circumstances is not complete pointing towards the complicity of the petitioner. The petitioner is a down trodden person, work as a labourer in Delhi and only because of the fact that on the fateful day, he was present in the village, his name has been implicated in this case, that too on suspicion. Be that as it may, now the petitioner has been incarcerated since 09.08.2023 for over a period of one year and the charges have also been framed.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the co-accused *Md. Shamshai* has admitted his complicity in the crime



along with the petitioner. It has also come that the deceased was lastly seen with the company of co-accused.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the present case is based on circumstantial evidence and now the petitioner has been incarcerated for over a period of one year, having fair antecedent and there is no material suggesting any motive of the crime, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – II, Saharsa in connection with Sessions Trial No. 419 of 2023, arising out of Mahisi (Jalai O.P.) P.S. Case No. 175 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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