

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52682 of 2024

Arising Out of PS. Case No.-72 Year-2006 Thana- UDAKISHUNGANJ District- Madhepura

Md. Nehal Son of Md. Ajeem @ Ajim R/V- Karoti Nahar Tola, P.S-
Udakishungaj, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2024 Heard Mr.Sanjay Kumar Singh, learned counsel for
the petitioner and Mr.Anil Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
14.03.2024 in connection with Udakishunganj P.S. Case No.
72 of 2006, F.I.R. dated 27.08.2006 registered for the offence
punishable under Sections 302/34 of IPC.

3. According to prosecution case, the informant
alleged that on 27.08.2006 he saw someone kill his wife
namely Bibi Daruna with sharp weapon and she was laying
inside the house. The informant further raised suspicion that due
to land dispute the FIR named accused persons cut with a sharp
weapon of his wife while she was sleeping.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has



falsely been implicated in the present case. In fact the petitioner is not named in the FIR and the name of the petitioner has been transpired during investigation on the basis of the statement of the witnesses, namely, Md. Bechan, which was recorded in para-29 of the case diary and it appears from the statement of Md. Bechan he is not the eye witness of the occurrence merely on the basis of suspicion he has named the petitioner in the present case and petitioner is step-son of the deceased and father of the petitioner is informant in the present case and he has not stated anything about the petitioner in the FIR and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.03.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has clean antecedent, let the petitioner, above named, 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 A.C.J.M.-1st, Udakishunganj, Madhepura in connection with Udakishunganj P.S. Case No. 72 of 2006, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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