

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56539 of 2024

Arising Out of PS. Case No.-1303 Year-2023 Thana- PHULWARISHARIF District- Patna

Md. Sunny Son of Allauddin Resident of village - Marchi, P.S.- Phulwari,
Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Priyedarshi, Advocate
	:	Ms. Barkha Kumari, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-09-2024 Heard Ms. Barkha Kumari, learned counsel for the
petitioner and learned APP for the state.

2. The petitioner is in custody in connection with Phulwari Sharif P.S. Case No. 1303 of 2023 for the offence punishable under sections 302 and 34 of the Indian Penal Code lodged on 09.09.2023 by the informant, Brajesh Kumar Prajapati.

3. As per the prosecution story, the victim was married to one Ajmeri Khatoon and at the time of occurrence was staying with the in-laws. The informant who is the brother alleged that they got telephonic information from Ajmeri Khatoon regarding death of his brother following illness for four to five days. Accordingly, they went there and saw mark on the



neck, found it suspicious. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he is the young brother of Ajmeri Khatoon, has no role to play in the matter but all the family members have been implicated. The last submission is that he do not have criminal antecedent and is in custody since 10.10.2023 (paragraph no.17 of the petition).

5. Learned APP opposed the prayer submitting that the post mortem report shows that the suspicion of the informant was correct.

6. The allegations are there, it is mainly against Ajmeri Khatoon, the wife of the deceased, the petitioner is a young boy 22 years of age, do not have criminal antecedent and remained in custody since 10.10.2023, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate XIV, Patna, in connection with Phulwari Sharif P.S. Case No. 1303 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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