

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82322 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- JAYNAGAR District- Madhubani

MD. ZAMEEL SON OF MD. TASLIM R/O VILLAGE- BARHI, P.S.-
JAYNAGAR, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagnnath Singh, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Jaynagar P.S. Case No.112 of 2023 (G.R. No.376 of 2023) arising out of Sessions Trial No.531 of 2023, lodged under Sections 302, 201, 120B of the I.P.C. and subsequently added, section 376B of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against unknown accused persons and informant has disclosed that his daughter went to observe the marriage ceremony, but she has not returned. When informant's family started searching his daughter, subsequently on the next day at 9 AM, the dead body of the informant's daughter was found near the canal.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that during investigation, the name of petitioner and one Dilip



Kumar Das being co-accused have been figured in this case and both have disclosed in their confessional statement that their involvement is there in commission of crime and the modus operandi has been disclosed in the said case. Counsel submits that save and except the confessional statement of the co-accused as well as of the present petitioner, there is no material found.

5. Counsel for the petitioner submits that petitioner is in custody since 05.05.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail and submits that it is a case of circumstantial evidence and there are two strong substance against the petitioner. The first is the observation made from the location on the basis of CDR and secondly, the methodology of causing death is in full support with the post-mortem report.

7. Upon specific query whether charge has been framed or not. Counsel submits that charge has been framed and keeping petitioner in jail shall not solve any purpose.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-cum-Special Judge, Madhubani in connection with Jaynagar P.S.



Case No.112 of 2023, (G.R. No.376 of 2023) arising out of Sessions Trial No.531 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

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

(Dr. Anshuman, J.)

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