

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24092 of 2015

Arising out of PS.Case No. -157 Year- 2015 Thana -MUFFASIL District- WEST
CHAMPARAN(BETTIAH)

Emteyaz Ansari, Son of Phool Ansari, R/o vill. - Nayatola, Heera Pakad,
P.S. Manuapul, Bettiah (Muffasil), District - West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate.

For the Opposite Party : Mr. Manoj Kumar (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2015 The petitioner is languishing in custody since
29.03.2015 in connection with Bettiah Manuapul (Muffasil) P.S.
Case No. 157 of 2015 for the offences instituted under Section
302/34 of the I.P.C.

Heard learned counsel for the petitioner and learned
counsel for the State.

The prosecution story, in brief, is that the informant is
the second wife of Late Quayum Alam and there are three children
from the first wife of her husband, namely, Kamran, Md. Noman
and one daughter, namely, Nasrin Fatma who has been married by
her. It is said that there had been some dispute for some day with
regard to land between co-accused Kamran and his father. Md.



Noman used to teach in Madarsa at Semra. It is further said that the husband of the informant who was earning at Qubait for about 25 years, had returned back about two months earlier. Co-accused Kamran expressed his desire to live separate and in that back ground his father decided to arrange a house for him having sold the land of orchard, and as such, on 27.03.2015, the said land was sold and the price of the said land is with whom, the informant claims her unawareness. It is alleged that in that back ground at previous evening there had been an altercation in between the accused persons(except the petitioner) and the informant and his husband. Then the informant locked her husband in a room, and at 7.30 P.M. having taken out side the co-accused being wife and Sali of co-accused Kamran caught hold the informant's husband and co-accused Kamran stated knife in several part of his body, on which the informant's husband fell down having become injured. It is alleged that the petitioner being friend of co-accused Kamran, who had hidden from before, fled away on motorcycle having taken co-accused Kamran. The husband of the informant was admitted to M.J.K. Hospital from where he was referred to P.M.C.H., Patna, but in the way he died..

It has been submitted on behalf of the petitioner that the main allegation is against co-accused, namely, Kamran, for

causing fatal injury upon the deceased. So far as the petitioner is concerned, no injury is being attributed against him. Further it has been submitted that no overt act has also been alleged against him. It is further submitted that the petitioner is in custody since 29.03.2015. Vide Annexure-2 to the supplementary affidavit, it has been shown that the police in course of investigation has submitted final form and the petitioner was not sent up for trial.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. and he had assisted the main assailant in fleeing away.

Considering the aforesaid facts and circumstances that in course of investigation, the case has been found false against the petitioner though the learned court below differed with the final form has taken cognizance, 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 the learned C.J.M., West Champaran at Bettiah, in connection with Bettiah Manuapul (Muffasil) P.S. Case No. 157 of 2013.

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(Sudhir Singh, J)