

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3102 of 2016

Arising Out of PS.Case No. -218 Year- 2013 Thana -AKBARPUR District- NAWADA

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Md. Sahwaz, S/o Md. Sarwar, resident of village- Bhadauni, P.S.- Nawada,
District- Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Nayan, Advocate

For the Opposite Party/s : Mr. Ajit Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-01-2016 Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

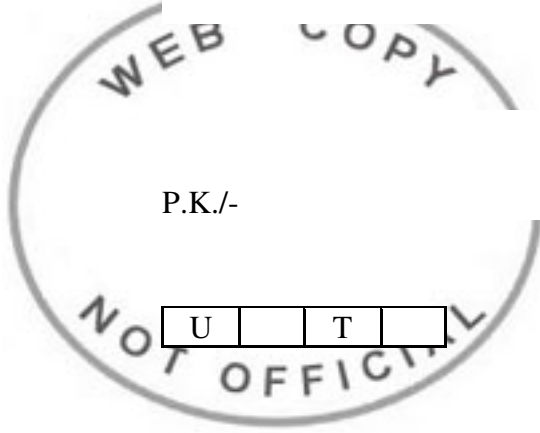
The prosecution case is that on 02.12.2013 at about 11.00 A.M. informant's son Md. Ibrar went out from his house conveying to his father that he has been called by Md. Sarwar for going to Advocate for getting the compromise filed in the case. Subsequently informant's son did not return. When the informant went to search, Md. Sarwar asked about his son that he has gone to Chhapra. Subsequently the dead body of informant's son was recovered under the Railway bridge. Though the First

Information Report was lodged against unknown, but the name of the petitioner sprang up during investigation as he was also last seen along with others in the company of the victim.

It is submitted by the learned counsel for the petitioner that only on suspicion the accusation has been levelled. Md. Sarwar, who alleged to have called the victim is none else than the father of the petitioner. Had there been any suspicion from before, there was no occasion for the informant not to name the petitioner or his father in the First Information Report. At earlier point of time the victim ravished deaf and dumb sister of the petitioner, wherein the victim was convicted. Hence, there was no question of enter into the compromise in the case and only on suspicion the accusation has been levelled due to old enmity. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent. Co-accused have been granted bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 29612 of 2015.

Considering the aforesaid facts, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Nawada in connection with Akbarpur P.S. Case

No. 218 of 2013, subject to conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.



(Dinesh Kumar Singh, J)