

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39057 of 2017

Arising Out of PS.Case No. -409 Year- 2002 Thana -PIRBAHOR District- PATNA

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1. Md. Zaffar
2. Md. Mushtaque
3. Md. Afzal all are sons of Late Md. Nissar Ahmad Resident of village -
Junaaidpur, Opposite B.S. College, P.S. Danapur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Smt. Reena Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 04-10-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners are languishing in judicial custody since
14.05.2017 in connection with Pirbahore P.S. Case No. 409 of
2002 for offences punishable under Sections 302 and 201 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that his son had gone to Delhi but did not reach there. Thereafter,
he was informed that a dead body was kept in P.M.C.H. which
was identified as his son who had received fire arm injuries.
Another dead body could not be identified.

It has been submitted by the learned counsel for the



petitioners that although, the case is of 2002 but after 15 years, the petitioners have been charge-sheeted only on the basis of suspicion as one Nasima Khatoon filed a petition that the second dead body was of her son Lintu @ Shahnawazuddin and she had raised suspicion against the petitioners. He submits that besides suspicion, raised by Nasima Khatoon, there is no specific allegation of overt act against the petitioner. It is further submitted that one of the co-accused, who has also been named by Nasima Khatoon, has been granted privilege of pre-arrest bail by this court in Criminal Miscellaneous No. 30754 of 2017 on 31.07.2017.

Learned counsel for the informant and learned APP for the State however, submits that during the course of investigation and on the statement of Nasima Khatoon, whose son was also killed along with the son of the informant, petitioners name have surfaced. He submits that petitioners were on inimical terms with the said Nasima Khatoon and they have committed the aforesaid offence.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with



Pirbahore P.S. Case No. 409 of 2002 subject to the condition that petitioners will co-operate with the trial and will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds. However, it is made clear that the petitioners will not induce the witnesses or tamper with the evidence.

(Nilu Agrawal, J)

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