

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.30754 of 2017**

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

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1. DR. MD. NAZIRUDDIN AHMAD @ MD. NAZIR, son of late Md. Shamsu Chamariya, resident of Nariyal Ghat, Takiyapar, Near Masjid, 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. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP  
Mr. Bijay Prakash Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3/ 31-07-2017

Heard learned counsel for the Petitioner and the State. Counsel for the informant has appeared by filing vakalatnama.

The Petitioner apprehends his arrest in Pirbahore P.S. Case No.409 of 2002 instituted for the offence under Section(s) 302, 201 Indian Penal Code and Section 27 of the Arms Act.

It is alleged in the written report filed by the informant that his son, Syed Faiyaz Hussain, aged about 19 years, had proceeded for Delhi, but he did not reach Delhi. He tried to search his son, but could not get his trace. On 22.12.2002, he gave written information to Patna GRP about missing of his son. On 23.12.2002, he received information from Pirbahore P.S. that



two dead bodies have been recovered upon which the informant went to PMCH and identified one of the dead bodies as of his son having fire arm injury on his person. He could not identify another dead body. He did not know the reason of murder of his son.

Case diary has been received.

The learned APP has submitted that in para 17 it has been mentioned that a petition has been filed by Nasima Khatoon raising suspicion against this petitioner and other accused persons for murder because she had inimical terms with them. Learned APP has further stated that in para 39 of the case diary another dead body was identified as of Lintu @ Shahnawazuddin son of Nasima Khatoon.

In this manner, besides suspicion raised by Nasima Khatoon, there is no specific allegation of any specific overt act against the petitioner.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Pirbahore P.S. Case No.409 of 2002, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Sanjay Priya, J)**

**JA/-**

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