

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33946 of 2017

Arising Out of PS.Case No. -68 Year- 2016 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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1. Md. Alam Ansari Son of Ashique Ansari, Resident of Village-Shivrahi
Mathiya, Police Station-Nautan (Jagdishpur), District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 18-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Nautan
(Jagdishpur) P.S. Case No. 68 of 2016 for offences punishable
under Sections 302, 201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his sister was married to the petitioner 20 years back and had
two children. On 29.03.2016 she disappeared from the house,
which information was given to the informant and on search her
dead body was found in the maize field. Thereafter First
Information Report dated 31.03.2016 was lodged.

It has been submitted by the learned counsel for the



petitioner that he is innocent, no allegation was made by the informant against him in the First Information Report or the re-statement, which is paragraph 12 of the case diary, but after about nine months in the 3rd statement, the informant has named the petitioner along with others for commission of the said offence. He submits that it is only on the basis of suspicion and afterthought that the petitioner has been made accused, charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and that he is languishing in custody since 13.05.2017.

However, learned APP for the State while admitting that the 3rd statement was made after more than nine months opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-6th, West Champaran at Bettiah, in connection with Nautan (Jagdishpur) P.S. Case No. 68 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property,



who will file an affidavit stating his relationship with the petitioner and that petitioner 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 his bail bonds.

(Nilu Agrawal, J)

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