

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51817 of 2018

Arising Out of PS.Case No. -69 Year- 2017 Thana -NAUHATTA District- SAHARSA

=====

1. Moti Alam @ Moti Alam Khan, Son of Late Salim Khan @ Md. Khalil,
resident of Village- Kharka Telwa, P.S.- Nauhatta, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 09-10-2018

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147/148/149/323/303/201/504/506/120B of the Indian Penal Code.

The complaint based FIR would reveal that son of the complainant was working in Rewari (Haryana) along with accused persons. Allegation is that the accused persons committed murder of the son of the informant. When the informant came to know she telephonically informed to elder son Abdul Salam and son-in-law Md. Khurshid Alam, who were residing at Delhi. Thereafter, they rushed from Delhi for Rewari. They found the dead body and dead body was disposed of without making any protest or information to the police. After disposal of the dead body, complaint petition was filed in the Court at



Saharsa, in Bihar.

Learned counsel for the informant is in possession of a copy of the case-diary. That does not reveal that there is any eyewitness of actual occurrence. Moreover, non-information of the matter to the police by the son of the complainant till disposal of the dead body creates serious doubt on the prosecution version. At least for the purpose of consideration of his prayer for anticipatory bail.

Hence, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court-below where the case is pending in connection with Nauhatta Police Station Case No.69 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

Mkr./-

U		T	
---	--	---	--

