

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8134 of 2019**

Arising Out of PS. Case No.-174 Year-2018 Thana- PHULPARAS District- Madhubani

MD. NAZAM @ NAZAM @ MD.NEEZAM Son of Md. Sultan Resident of
Village-Bala Bakhar, P.S.- Phuparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

4 22-04-2019 Heard the parties.

The petitioner is apprehending his arrest in connection with Phulparas P.S.Case No.174 of 2018 dated 18.9.2018 registered for offences punishable under Section 302 of the Indian Penal Code.

Allegation as per the FIR is that the father of the informant was sleeping in a room and in the morning, he went to wake up his father, he saw that his cloths were stained with blood and there was a wound on his neck, the FIR was lodged against the known and later on during the investigation, name of the petitioner transpired on the confessional statement of the co-accused, Md. Sadam.

Submission of the learned counsel for the petitioner is that except the confession, there is nothing against the



petitioner and he has falsely been implicated in his case.

Heard learned A.P.P. , who has opposed the prayer for bail stating that the confessional statement discloses the active involvement of the petitioner and apart from that the CDR also shows the presence of the petitioner near the place of occurrence.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below within a period of six weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below without being prejudiced by the order of this Court.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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