

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10501 of 2019**

Arising Out of PS. Case No.-391 Year-2017 Thana- DHAKA District- East Champaran

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Wajiul Kamar, S/o Late Ali Akhtar, Village-Jamua, P.S.- Dhaka , District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Mishra

For the Opposite Party/s : Mr.Rajendra Nath Jha

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 14-05-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Dhaka P.S. Case No. 391 of 2017, registered under Section
302/34 of the Indian Penal Code.

The accusation is that in the night of 28/29.11.2017,
Ali Akthar, cousin of the informant, Hasin Akthar, was slept at
his house but in the morning of 29.11.2019 when his cousin did
not reach at the cattle shed situated in Khalihan then his cousin,
Imran went to the house and called Ali Akthar but no response
was given, on which, he went inside the house and saw that Ali
Akthar was lying dead. On raising alarm, the informant along
with villagers reached there then saw the neck and stomach of



Ali Akthar was chopped. The informant raised suspicion that his cousin Ali Akthar has been killed by cutting his neck and stomach by unknown in slipping condition.

Learned counsel for the petitioner submits that the informant came to know about the occurrence from Imran, who went at the house of the deceased and saw that Ali Akthar was lying dead then he informed to the informant. Thereafter, on the basis of the written report of informant, Dhaka P.S. Case No. 391 of 2017 was instituted under Section 302/34 of the Indian Penal Code on 29.11.2017, but in course of investigation, the police recorded the statement of Imran, who is said to be informed about the death of deceased, Ali Akthar but did not disclose the name of petitioner but in course of investigation, the name of the petitioner has surfaced only on the basis of some dispute in between the petitioner and his father, Ali Akthar.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned S.D.J.M.,



Sikerhana at Motihari, in connection with Dhaka P.S. Case No.
391 of 2017 subject to the condition as laid down under Section
438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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