

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12106 of 2020

Arising Out of PS. Case No.-409 Year-2019 Thana- VAISHALI District- Vaishali

Md. Aslam Ali, Son of Late Md. Amin, Resident of Village - Bankhobi, P.S.-
Vaishali (Belsar O.P.), Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh, Advocate.

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

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

ORAL ORDER

4 16-07-2020 Heard Mr. Bikramdeo Singh, learned Advocate, assisted
by Mr. Ranjay Kumar, learned counsel appearing for the
petitioner as well as Mr. Ram Priya Singh learned APP
appearing for the State and Mr. Babar Hayat Quadri, learned
counsel appearing for the informant through Video
Conferencing.

The petitioner is accused in connection with Vaishali
P.S. Case No. 409 of 2019, registered for the offence punishable
under Sections 302/34 of the Indian Penal Code.

The accusation is that Md. Reyaz Alam, brother of
informant, Md. Naushad Alam, was student of Polytechnic
College FatehpurAfzalpur and he used to reside on rent in the
house of Md. Aslam Ali (petitioner), from where, he used to go



to his college. When his brother, Md. Reyaz Alam came at his house then daughter of the petitioner used to talk with his brother Md. Raiyaz Alam on mobile then his family members forbid to his brother, Md. Raiyaz, to talk with the daughter of the petitioner and also asked him to leave the rented room of the petitioner. Thereafter, his brother Md. Reyaz Alam used to reside at Patna, from where, he used to visit at his Polytechnic College since before six months. On 08.11.2019, in the evening, his brother, Md. Raiyaz Alam proceeded for college from Patna but in the way, due to sunset, he went to village Bankhobi, where he used to reside on rent in the house of the petitioner. When the informant, Md. Naushad Alam, tried to talk on mobile at about 10 P.M. but mobile of his brother, Md. Raiyaz Alam was found switched off. On next day, i.e., 09.11.2019, Islampur Police Station informed about laying the dead body of his brother, Md. Reyaz Alam in the cattle-shed of the petitioner in the village Bankhobi, which was being taken at Sadar Hospital Hajipur. Thereafter, informant went there and identified the dead body of his brother, Md. Reyaz Alam. The informant also saw the ligature mark over the neck of his brother. The informant raised suspicion that Md. Aslam (petitioner), his sons Md. Arju and Md. Amjad Ali along with his daughter committed the



murder of his brother, Md. Reyaz Alam and threw the dead body in his cattle-shed.

Learned counsel for the petitioner submits that it would appear from the FIR and the case diary that the dead body was firstly seen by the local Choukidar in the cattle-shed of the petitioner, which is easy accessible by any person but petitioner and his family members have falsely been implicated in the present case mere on suspicion. On investigation, the police submitted the charge sheet against the petitioner. Further submission is that petitioner has no criminal antecedent and he is in custody since 10.11.2019.

On the other hand, Mr. Akbar Hayat Quadri, learned counsel for the informant opposed the prayer for bail, submitting that Md. Reyaz, brother of the informant, was called by the family members of the petitioner to attend the birthday function and thereafter, he was killed but neither in the FIR nor in the statement of witnesses, this fact has been detailed. Further submission is that in the postmortem report of the deceased, the case of death is shown as asphyxia following the strangulation.

Having regard to the facts and circumstances of the case, let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned
Chief Judicial Magistrate, Vaishali, in connection with Vaishali
P.S. Case No. 409 of 2019. Out of two sureties, one surety must
be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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