

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17568 of 2021

Arising Out of PS. Case No.-198 Year-2020 Thana- LAHERIYASARAI District- Darbhanga
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MD. NAIYYAR @ NAYYAR ALI SON OF LATE ALI AKBAR RESIDENT
OF MOHALLA- SARAI SATTARKHAN, P.S- LAHERIASARAI, DIST-
DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Udbhav, Adv.

For the Opposite Party/s : Md. Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 201 and 34 of the Indian Penal Code.

As per the prosecution case, the elder son of the informant who had gone out did not return home. On enquiry, it transpires that he had gone with accused Md. Dulare and others. On search, his dead body was found. It is further stated that he used to go to the place of Md. Naiyyar. Along with Md. Dulare, it was Nasar @ Raja, Sikandar Ali, Md. Irshad and Md. Arman who had taken the informant's son. It is stated that the petitioner herein also used to remain with them.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case. No incriminating material has transpired in course of investigation to connect the petitioner with the alleged crime. As would be evident from the order of the learned trial court, the material being relied upon against the petitioner is the confessional statement of co-accused Riyaz Ansari @ Surya who has confessed before the police to have killed the informant's son. The petitioner is in custody since 17.4.2020 and has no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the materials on record together with the petitioner having remained in custody for 1 year 5 months, the Court directs the petitioner to be enlarged on bail in connection with Laheriasarai P.S. Case no.198 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga.

(Partha Sarthy, J)

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