

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22269 of 2021

Arising Out of PS. Case No.-427 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

ALAM ANSARI SON OF KALAMUDDIN ANSARI R/O VILLAGE-
MAULANAPUR, P.S.- SIWAN MUFASSIL, DISTRICT- SIWAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate

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

For the Informant : Md. Ataul Haque, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 08-12-2021

Heard learned counsel for the parties.

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

As per the prosecution case, over a dispute it is stated that the accused persons came variously armed and the petitioner assaulted the mother of the informant with an iron rod on her head leading to her death.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. While the inquest and the postmortem were conducted on the deceased at 2.50 pm and 4.45 pm, information was given to the police station at 6 pm. It is further submitted that the statement of the father of the informant and the independent witness were recorded in course of investigation. In paragraph nos. 6 and 7 of the case diary they have named Kalamuddin Ansari to be the



assailant of the deceased and not the petitioner herein. The petitioner has no criminal antecedent and is in custody since 23.12.2020.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that an affidavit has been filed in the case after providing a copy of the same to learned counsel for the petitioner. He submits that the petitioner is the main assailant, the allegations having been supported from the contents of the postmortem report. Further, with respect to the conduct of the Investigating Officer of the case it is submitted that a written complaint has been made before the higher police authority protesting against his conduct of making an attempt to help the accused persons.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the allegation against the petitioner who is stated to be the main assailant of the deceased, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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