

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35519 of 2021

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

1. Md Arzu @ Md Arzu Ali Son of Md. Aslam Ali Resident of Village-Bankhobi, Belsar O.P., Police Station- Vaishali, District- Vaishali.
2. Md. Amzad Ali @ Md. Sazid Son of Md. Aslam Ali Resident of Village-Bankhobi, Belsar O.P., Police Station- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Harun Quareshi, Advocate
For the Informant	:	Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s	:	Mr. Md. Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-12-2021 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of Covid 19 pandemic, requiring social distancing.

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Vaishali P.S. Case No. 409 of 2019 instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are in custody since 25.02.2021, are persons with clean antecedent and charge-sheet has been submitted in the



case.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant alleges that his brother Md. Riyaz (deceased) was a student of Polytechnic College, Fatehpur, Afzalpur and he used to reside on rent in the house of Md. Aslam Ali from where he used to go to his college. Further, that when his brother came at his house then the sister of the petitioner used to talk to him on mobile which was objected by the informant and the family members and his brother was asked to leave the rented room of the petitioners. Thereafter it is alleged that brother of the informant started residing at Patna from where he used to visit his Polytechnic College. It is further alleged that on 08.11.2019 in the evening, the brother of the informant proceeded for his college from Patna but in the way due to sunset he went to village Bankhobi where he previously used to reside on rent in the house of the petitioners. It is next alleged that informant tried to talk on his brother's mobile but his mobile was found switched off and on the next day i.e. 09.11.2019, the Islampur Police Station informed about the dead body of the brother of the informant lying in the cattle shed of the petitioners in village Bankhobi which was being taken to the



Sadar Hospital for post-mortem. Accordingly, it is alleged that these petitioners along with Md. Aslam Ali, Md. Amjad Ali and his daughter committed the murder of his brother.

Learned counsel for the petitioners submits that co-accused Md. Aslam Ali has been granted bail by this Court vide order dated 16.07.2020 in Cr. Misc. No. 12106 of 2020 and allegation against these petitioners is also akin to what has been alleged against Md. Aslam Ali in the F.I.R.

Learned counsel for the informant opposes the bail application of the petitioners and submits that these petitioners along with his father and brother killed the deceased as he was having affair with his sister but was not able to meet the submission of the learned counsel for the petitioners that as far as allegation against this petitioners is concerned, the same is akin to what has been alleged against Md. Aslam.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioners.

Considering the fact that the petitioners are in custody since 25.02.2021, charge-sheet has been submitted in the case and the petitioners are persons with clean antecedent, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two



sureties of the like amount each to the satisfaction of learned
Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection
with Vaishali P.S. Case No. 409 of 2019 subject to the condition
as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

