

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27715 of 2020

Arising Out of PS. Case No.-346 Year-2019 Thana- HARSIDHI District- East Champaran

SK. ARSE AZAM @ ARSHE AZAM Son of Late Sheikh Imtiyaz Ali
Resident of Village - Chintamanpur, P.O.- Chatiya, Areraj, P.S.- Malahi
(Gobindganj), District - East Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Jha, Advocate.

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 15-01-2021 Heard the parties including learned counsel for the
informant, in virtual Court.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 307, 302 and 120(B)/34 of the Indian Penal Code and Section 27 of Arms Act.

According to F.I.R., the informant is not an eye witness of the occurrence of murder of his son, however he claims that the F.I.R. named accused persons might have committed the murder for the reason that they had threatened to kill the deceased. One of the F.I.R. named accused namely Sk. Riyazuddin @ Majister has already been allowed anticipatory bail by a co-ordinate Bench of this Court vide order dated 23.12.2020 passed in Cr. Misc. No. 24682 of 2020 considering



lack of direct evidence.

Learned counsel for the informant opposed the prayer on the ground that during investigation it has come that the petitioner who was residing abroad had conspired and hired the criminals for committing the murder. The aforesaid fact has come in the confessional statement of the co-accused persons and the report of the informer of the police.

Since the co-accused against whom allegation is of firing, though the allegation is not corroborated by any eye witness, has already been allowed bail. The case of the petitioner stands on better footing because though the petitioner is carrying allegation of conspiracy, however he was not directly involved in the occurrence alleged.

Hence, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Harsidhi P.S. Case No. 346 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to



the following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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