

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37071 of 2021

Arising Out of PS. Case No.-47 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

1. Kaishar Alam @ Md Kaishar Alam Son Of Majharul Haque Resident Of Village - Kadam Gachhi, Ward No.2, P.S.- Kochadhaman, Dist.- Kishanganj.
2. Afsar @ Md. Afsar Alam Son Of Majharul Haque Resident Of Village - Kadam Gachhi, Ward No.2, P.S.- Kochadhaman, Dist.- Kishanganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-11-2021 Learned counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 2 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 2

Heard learned counsel for the petitioner no. 1 and learned APP for the State.

Learned counsel for the petitioner no. 1 is directed to remove the defects, as pointed out by the Office, within a period of eight weeks.

The petitioner no. 1 is apprehending his arrest in a



case registered under Sections 302, 120(B) and 34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons under conspiracy committed murder of the father of the informant.

It has been submitted on behalf of the petitioner no. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 1. The petitioner no. 1 has falsely been implicated in the present case. The dead body of the deceased is said to have been found from the house of co-accused namely Tanvir Alam. As far as petitioner no. 1 is concerned, he is a relative of co-accused Tanvir Alam and for the said reason, he has been made accused in the present case. There is no eye witness to the alleged occurrence nor any incriminating article is said to have been recovered from the possession of the petitioner.

On behalf of the State, it is submitted that the petitioner no. 1 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no. 1, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kochadhaman P.S. Case No. 47 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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