

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4987 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- MANIHARI District- Katihar

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Md. Wazir, aged about 40 years, male, S/o Late Md. Afsar, R/o- Mahiyarpur,
P.S.- Manihari, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 25-10-2021 Heard Mr. N.K. Agrawal, the learned Senior

Advocate for the petitioner and Mr. Parmeshwar Mehta,

learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Manihari P.S. Case No. 39 of 2020,
dated 07.02.2020, instituted for the offences under Sections
365/34, 364 302, 201 and 120(B) of the Indian Penal
Code.



It has been alleged in the F.I.R. that the son of the informant was asked to come out of his house and take part in the digging of the earth. Later, the son of the informant did not return. His dead-body was recovered. The case was initially instituted under Section 365 of the Indian Penal Code but later, with the recovery of the dead-body, Sections 364 and 302 along with other sections of the Indian Penal Code were added. The informant, therefore, suspected the hands of those persons who had come to his house to call his son (the deceased).

Mr. N.K. Agrawal, the learned Senior Advocate, has submitted that apart from the aforesaid statement, there is no other material to connect the petitioner with the offence. True it is, it has been urged, that the petitioner and several others were last seen with the deceased but that would not lead to any positive inference that the deceased was killed at their hands, especially in view of there being no reported motive for killing the deceased.

Mr. Parmeshwar Mehta, the learned APP, after going through the case diary, has informed this Court that



one of the accused persons of this case had taken a loan of Rs. 1,00,000/- from the deceased for the purposes of marrying his daughter. The aforesaid accommodation loan was being demanded back by the deceased. This perhaps could have been the reason for eliminating the deceased. He, however, has fairly conceded that the investigation report does not speak of any special relation between the other accused person who had taken loan from the deceased and the petitioner. Nobody has seen the petitioner or the other accused persons going towards any direction.

The deceased appears to have been shot in his head. Who has committed the crime remains obscure till date.

However, taking into account the fact that the anticipatory bail application of one of the similarly situated accused persons, namely, Md. Imam has been rejected by a Bench of this Court *vide* order dated 19.02.2021 passed in Cr. Misc. No. 29602 of 2020, I am not inclined to entertain this application.

The prayer for grant of anticipatory bail to the



petitioner is, accordingly, rejected. However, if he surrenders before the Court below and seeks bail, the Court below, after taking into account all the grounds raised in this application, shall consider the case on its own merits, without being prejudiced by the fact that the present anticipatory bail application on his behalf has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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