

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3876 of 2022

Arising Out of PS. Case No.-353 Year-2020 Thana- DUMRA District- Sitamarhi

1. Md. Naseem @ Nasim S/O Late Samsul R/O Village- Bhis Basantpur, Ward No. 10, Dumra, P.S.- Sitamarhi
2. Md. Dulare @ md. Tauhid s/o md. Naseem @ nasim r/o village- bhis basantpur, ward no. 10, dumra, p.s.- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 15-09-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in

a case registered for the offences punishable under

Sections 302, 34 of the Indian Penal Code.

It is alleged by the informant that petitioner No.

1 and co-accused Md. Raju came at her house in the

night and insisted her father to go with them. They took

their father to an unknown place and murdered him and

left the body of her father at the village Panchayat

Bhawan where she found her father in an un-conscious



position. He was thereafter rushed to the hospital where he was declared dead. It is alleged against the petitioners and 4-5 others that they entered into the house of the informant and damaged the articles and also assaulted the informant.

It is submitted by learned counsel for the petitioners that petitioners have falsely been implicated in this case. There is no eye witness to the occurrence and only on the basis of last seen, the petitioners have been roped in the present case. It is further submitted that if the petitioners were any way connected with the murder of the deceased, they would have never informed the informant's family regarding the ill health of the deceased. The independent witness Md. Sani in his statement recorded in para 38 of the case diary has stated that the deceased came at Panchayat Bhawan along with the accused persons in drunken condition. The accused persons returned back to their houses. After sometimes, the deceased became unconscious and



thereafter the family members of the deceased were informant who took the deceased to the hospital where he was declared dead. The postmortem report also suggests three injuries caused by hard and blunt substance and foul smell was coming from abdomen. Hence, cause of death could not be ascertained and viscera was preserved. The F.S.L report suggests that *Cypermethrin*, a poisonous material which is commonly used in agriculture for killing pests was detected.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that petitioners were involved in the commission of murder of the deceased and death was caused in unnatural circumstances.

In the facts and circumstance of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands)



each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 353 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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