

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8412 of 2022**

Arising Out of PS. Case No.-190 Year-2021 Thana- PALASI District- Araria

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AFAQUE ALAM @ AFAKAR S/o Late SK Ilai @ Ilahi R/o village-
Kakorwa, Ward No. 03, P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 27-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Palasi
P.S. Case No. 190/2021 registered for the offences punishable
under Sections 302/201/34 of the Indian Penal Code.

As per prosecution case, on 27.09.2021 the informant
submitted written report that on 18.09.2021 the informant's
husband left the home telling his wife that he is coming from
Dehti Chowk but after lapse of time when the informant's
husband did not return, the informant tried to talk on his mobile
which was found switched off. It is further alleged that the
husband of the informant was regularly talked with his villager



Bibi Jahani due to which hot exchange took place between the informant's husband and his co-villager, Afaque Alam, herein petitioner and co-accused, Md. Badrul who both gave threat to the informant's husband to kill him within a month. Thereafter, the informant came to know from her villagers that a photo of a head and left arm of a person has been made viral on the mobile of her villagers through Whats-app and a Lungi poured with blood was found near the Dehti Ghat by which the informant has identified the head, arm and blood stained Lungi is of her husband. The informant made apprehension that the petitioner and co-accused, Bibi Jahani and Badrul have committed murder of informant's husband by hatching conspiracy and threw his dead body elsewhere.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 18.09.2021 and FIR lodged on 27.09.2021 although the police station is only at a distance of 3 K.M. from the house of the informant. He further submits that there is no eye witness of the alleged occurrence and no dead body was recovered only on the basis of recovery of a blood stained lungi and one hand, the petitioner has been implicated in the present case and the informant identified as her husband.



The petitioner is languishing in custody since 30.09.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Araria in connection with Palasi P.S. Case No. 190/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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