

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11106 of 2022

Arising Out of PS. Case No.-137 Year-2021 Thana- BARSOI District- Katihar

1. MD. ASRAF @ MD. ASHRAF Son of Ashraful Resident of Village - Neem Tola, Gohas, Police Station Baisi, District - Purnea.
2. Md. Imtiyaj @ Imtiyaj Son of Hakimuddin Resident of Village - Neem Tola, Gohas, Police Station Baisi, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Qaisar Hasan, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-10-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

The informant Md. Zahid alleges that on 27.07.2021 at 07:00 a.m. he received an information that one unknown woman has been murdered near the road thereafter he informed the police. It is alleged that on seeing the deceased, it appeared that some unknown criminals had killed her and threw the dead body on the road.



Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. The FIR is against unknown and the name of the petitioners transpired in the confessional statement of Md. Ekhlak in police custody which does not have any evidentiary value in the eye of law.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that during the course of investigation the statement of the father of the deceased was recorded at para 150 of the case diary wherein he has stated that he had dropped the deceased along with her son at her matrimonial home and later he came to know that both were killed. He further submits that during the course of investigation, it also transpired that deceased was having illicit relationship with Md. Ekhlak and it was Md. Ekhlak who in connivance with Md. Asraf, Md. Imtiyaj and other accused persons killed the deceased along with her son. He next submits that Md. Asraf is cousin of Md. Ekhlak. He also submits that it also transpired during the investigation that the mobile of Md. Imtiyaj was being used by Md. Ashraf. It is, thus, submitted that since Md. Asraf was related to Md. Ekhlak and he was having illicit relationship with the deceased and some bickering has started, as such, Md. Ekhlak may be having motive for committing the occurrence only and he was assisted by his brother and friend.

Learned A.P.P. very fairly submits that as far as Md. Imtiyaj is concerned against him nothing specific has come during



the course of investigation connecting him with the offence except the fact that his mobile was being used by Md. Asraf.

After hearing the parties, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner no. 1 Md. Asraf @ Md. Ashraf. Hence, his prayer for anticipatory bail is rejected.

Considering the submissions made by the learned counsel for the petitioner no. 2, the petitioner no. 2 above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Barsoi (Sudhani O.P.) P.S. Case No. 137 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

