

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23615 of 2021

Arising Out of PS. Case No.-289 Year-2020 Thana- AAJAM NAGAR District- Katihar

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AHMAD RAZA Son of Faiyaz Alam Resident of Village - Mangoi Dighalya,
Police Station - Azam Nagar (Salmari O.P.), District - Katihar.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Md. Helal Ahmad, Advocate.
For the State : Mr. Raj Ballabh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

7 17-01-2022 The applicant/accused in Crime No.289 of 2020 registered with Police Station-Aazam Nagar (Salmari O.P.) for the offences punishable under Sections 302, 201 of the Indian Penal Code, by this application is seeking his release on bail after filing of the chargesheet.

Heard learned counsel appearing for the applicant/accused. He submits that except so called circumstantial evidence of last seen theory there is no iota of evidence against the applicant to connect him with the crime in question.

As against this, the learned A.P.P. opposed the application by placing reliance on the statement of Subhan Khalifa and argued that the report of post-mortem examination corroborates the prosecution case.

I have considered the submissions so advanced and also



perused the materials placed before me.

The First Information Report is lodged by widow Jaberun Khatoon. She alleged that her husband Hazi Isrul was inimical terms with the applicant Ahmad Raza. As per her version, the dispute in between them was in respect of agricultural land and the applicant Ahmad Raza was extending threat as Hazi Isrul had purchased the land, said Hazi Isrul should be ready to bear the consequences. It is further stated in the F.I.R. that on 24.11.2020, Ahmad Raza and others came to her house in the evening and took her husband on the pretext of settlement. On the next day morning, dead body of her husband Hazi Isrul was found with stabbed wounds.

Statement of Subhan Khalifa is recorded by the Investigating Officer. He is owner of the tea stall. He stated that in the evening hours of 24.11.2020, applicant Ahmad Raza along with deceased Hazi Isrul came to his shop and had tea. At that time, Hazi Isrul told him that he is going to the house of applicant Ahmad Raza. Subhan Khalifa further stated that there was enmity between the deceased and the applicant on account of purchase of land.

Except the last seen theory that the applicant was seen in the company of the deceased Hazi Isrul and finding of the dead



body of Hazi Isrul on the next day with fatal wounds, prima facie, there does not seem anything to connect the applicant with the crime in question.

The evidence of the crime in question is already over. The applicant is not having any criminal antecedent. In this view of the matter, there is no reasons to deny bail to the applicant. Therefore, the following orders:

(i). The application is allowed.

(ii). The applicant/accused in Crime No.289 of 2020 registered with Police Station-Aazam Nagar (Salmari O.P.) for the offences punishable under Sections 302, 201 of the Indian Penal Code, be released on bail on executing P.R. bond of Rs.15000/-(Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.



(III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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