

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29620 of 2022**

Arising Out of PS. Case No.-272 Year-2021 Thana- NAANPUR District- Sitamarhi

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AJAJ HUSSAIN @ EJAJ @ MD. EJAJ HUSSAIN SON OF LATE MD.
AKIL @ MD. ASIF HUSSAIN R/O VILLAGE- HASANPUR
BARAHARWA, P.S.- BAJPATTI, DISTRICT- SITMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 22-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges that he came to know that the dead body of a person with neck slit is lying on the Soling Road, accordingly police was informed.

Learned counsel for the petitioner submits that the only material which transpired against the petitioner was confessional statement of Naser in police custody.



Learned counsel for the petitioner next submits that admittedly there is dispute with Naser on account of election. Learned counsel also submits that purpose of arrest is not to punish but to ensure that investigation is not hampered, it is next submitted that petitioner will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case so that the truth comes out.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but fairly submits that based on confessional statement of Naser the name of the petitioner transpired.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nanpur P.S. Case No. 272 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the Investigating Officer of the



case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself when called by him, the learned Trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also be entitled to cancel his bail bonds and to take all coercive steps to ensure that he is behind bars.

Further, if the Investigating Officer after investigation submits the charge-sheet connecting the petitioner with the offence, then the present anticipatory bail order shall lose its effect.

Learned Trial Court is directed to send a copy of this Order to the concerned P.S.

(Satyavrat Verma, J)

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