

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30137 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- FORBESGANJ District- Araria

MD. NASIM @ NASIM SON OF LATE AKBAR ANSARI R/O VILLAGE-DHATTA TOLA, WARD NO.-06, P.S.- FORBESGANJ, DISTRICT-ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Choudhary
For the State	:	Mr.Anand Kishore Choudhary
For the Informant	:	Mr. Ramesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

As per allegation, informant's son aged about 11 years had gone to listen **Milad** and thereafter he did not return and thereafter son of the petitioner, namely, Md. Shamshad was interrogated by the police and on his disclosure, dead body of the victim was recovered and the informant suspected that his son was murdered by co-accused Sanoj Rai and Md. Shamshad as co-accused Sanoj Rai had one side love affair with the daughter of the informant.



The main submissions advanced by Sri Alok Kumar Choudhary, the learned counsel appearing for the petitioner are that the petitioner is not named in the FIR, after completion of investigation, the police did not send up this petitioner for trial and he was shown innocent in the police report and thereafter the learned Magistrate took cognizance of the alleged offences and also summoned the petitioner for the said offences. Petitioner is father of co-accused Md. Shamshad, he was made accused and he himself surrendered before the court below, there is no direct or indirect allegation against him.

Sri Anand Kishore Choudhary, learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer for bail and submitted that learned Judicial Magistrate concerned, differing with the conclusion made by the police, summoned the petitioner for the alleged offence of murder after finding cogent evidence and material to connect this petitioner with the alleged murder.

Heard both sides and perused the FIR as well as case record. Admittedly, petitioner is not named in the FIR and investigation has been completed and the petitioner was not sent up by the police and as per FIR, main allegation is against son of this petitioner and co-accused Sanoj Rai and the petitioner has got clean antecedent and he is stated to be 54 years old.

Considering these facts, a lenient approach can be taken



in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate V, Araria in Forbesganj P.S Case No. 178 of 2021.

(Shailendra Singh, J)

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