

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33810 of 2022**

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

Md. Nesar @ Bablu @ Neyar @ Nishad @ Md. Nisar S/o Late Md. Ansar
R/o village- Hasanpur (Barharwa), P.S.- Bajpatti, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh No. 1, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 21-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Nanpur
P.S. Case No. 272 of 2021 registered for the offence under
Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 15.02.2022.

As per prosecution, the unidentified dead body was
found by the informant, which is chaukidar, namely, Rampreet
Paswan, where during the course of investigation, it was
identified as one Md. Abdul Taish son of Md. Abdul Rauf,
alleging thereof that petitioner alongwith other co-accused



persons committed murder, as deceased was in love affairs with sister of one of the co-accused, namely, Md. Alke.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was not named in F.I.R. and entire allegation is based upon suspicion, as raised by father of the deceased, during the course of investigation, as per paragraph-43 of the case diary. It is also pointed out that the thrust of allegation is against co-accused Md. Alke and this petitioner was implicated only for the reason that he was one of his friend. It is also pointed out that as co-accused Md. Alke advanced a threat to the father of the deceased, regarding love affairs of deceased with his sister, the present false implication was made. It is further pointed out that during the course of investigation no incriminating material surfaced against this petitioner and he not even found in conversation, with Md. Alke, main co-accused, as per call detail report. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as save and except suspicion, as being friend of main co-



accused Md. Alke, nothing incriminating surfaced during the course of investigation to connect this petitioner with present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nanpur P.S. Case No. 272 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri, Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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