

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45993 of 2021**

Arising Out of PS. Case No.-75 Year-2021 Thana- RAFIGANJ District- Aurangabad

Ali Imam S/O Md. Safik @ Mohammad Shafique Ansari R/O Village-
Kazichak, P.S.-Rafiganj, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Advocate

For the Opposite Party/s : Ms.Suman Kumari Singh, APP

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

4 01-08-2022 Heard learned senior 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 Rafiganj

P.S. Case No. 75 of 2021 registered for the offence under

Sections 302, 201 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in

custody since 11.03.2021.

The allegation against the petitioner is to commit the

murder of the son of the informant along with other co-accused

persons.

Learned senior counsel appearing on behalf of the



petitioner submitted that the present allegation of the prosecution is completely based upon suspicion, where the daughter of the informant was in love-affairs with the deceased, talking regularly over mobile phone. It is submitted that the maximum incriminating circumstances as surfaced during the course of investigation, if believed to be true, is of “last seen” with the deceased. It is also submitted that there is no missing report as regard to said occurrence and FIR was lodged after recovery of dead body, based upon the suspicion. It is also submitted that FIR was lodged with unexplained delay of 5 days. It is further submitted that informant is not the eye-witness of the occurrence, and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that informant is not the eye-witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence, where the maximum incriminating circumstances surfaced during the course of investigation is of last seen 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 Rafiganj P.S. Case No. 75 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 Chief Judicial Magistrate, Aurangabad/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Md. Safik @ Mohammad Shafique Ansari, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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