

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36641 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- BUDHUCHAK District- Bhagalpur

MD. SHAMSAD SON OF MD. MOIN @ MD. MAIN @ MOHID MIYAN
R/O VILLAGE- BIRBANNA, P.S.- ANTICHAK, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-11-2022 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, 201 and 34 of the Indian Penal Code.

The informant alleges that he received information that a dead body was lying in the pond, accordingly, he reached the place of occurrence and found a beheaded dead body of a female lying in the water hyacinth.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that FIR was against unknown, it is also submitted that during the course of



investigation the name of the petitioner transpired, it is further submitted that during course of investigation it was found that name of one Navin Mandal was inscribed on the hand of the deceased, thereafter, Navin was apprehended who disclosed that his first wife died of heart attack, the deceased was his second wife, further, after tubectomy operation, she started maintaining physical relations with other male persons, once she was caught with Mithun in Delhi, thereafter, she was brought back home, further, in the village also she continued with physical relations with other male persons, further one Narad advised him to get rid of her, accordingly, he contacted petitioner who got ready to commit the crime for Rs. 50,000/- thereafter, Narad and petitioner made him meet Parmeshwar, thereafter, he disclosed that his wife was brought to the field of Ram Pravesh Mandal where she was killed by Patwari and Bhuwadeshwar and Patwari beheaded her.

Learned counsel for the petitioner submits that at best the name of the petitioner transpired in the confessional statement of Navin and that too in police custody and from perusal of his statement as recorded in the order impugned, it would manifest that he was not present at the place of occurrence.



Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that even presuming what has been submitted by the learned counsel for the petitioner is true but then this fact cannot be denied presently that petitioner was aware that a conspiracy has been hatched to kill the wife of Navin.

At this stage the learned counsel for the petitioner submits that petitioner is not evading the law rather he will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case so that the truth comes out.

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. 10,000/- (Rupees Ten 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 Budhuchak P.S. Case No. 08 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, if the Investigating Officer of the case files an



application before the learned Trial Court that the petitioner despite giving assurance to the Court is not cooperating in the investigation or is not presenting himself when called for, the learned Trial Court after hearing the petitioner shall pass orders in accordance with law and shall also have the liberty to cancel his bail bonds.

The Trial Court is directed to send a copy of this order to the concerned P.S. for necessary action.

(Satyavrat Verma, J)

HarshPandey/-

U		T	
---	--	---	--

