

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57656 of 2021

Arising Out of PS. Case No.-346 Year-2019 Thana- HARSIDHI District- East Champaran

1. SHEIKH AFSAAR ALI @ MD AFSAR ALI Son of Sheikh Afrad Ali @ Afrad Ali @ Amzad Ali Resident of Village- Chintamanpur, P.O.- Chatiya, Areraj, Police Station- Malahi (Gobindganj), District- East Champaran at Motihari.
2. SHEIKH WASID @ MOHAMMAD WASIT ALI Son of Sheikh Afrad Ali @ Afrad Ali @ Amzad Ali Resident of Village- Chintamanpur, P.O.- Chatiya, Areraj, Police Station- Malahi (Gobindganj), District- East Champaran at Motihari.
3. SHEIKH SADDAM @ SADDAM HUSSAIN Son of Sheikh Afrad Ali @ Afrad Ali @ Amzad Ali Resident of Village- Chintamanpur, P.O.- Chatiya, Areraj, Police Station- Malahi (Gobindganj), District- East Champaran at Motihari.
4. ESRAR ALI @ SHEIKH ESRAR ALI Son of Sheikh Afrad Ali @ Afrad Ali @ Amzad Ali Resident of Village- Chintamanpur, P.O.- Chatiya, Areraj, Police Station- Malahi (Gobindganj), District- East Champaran at Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Prafull Chandra Jha
For the Opposite Party/s :	Mr.L.K.Sharma
	Mr.Prateek Tandan.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-07-2022

Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence under Sections 307, 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 12-10-2019 at about 8:00 AM, the son of the informant Shahid Hussain went to Motihari in the company of co-accused Pintu Tiwari and thereafter, at about 9:00 AM, the informant came to know that



his son has been killed by accused persons including these petitioners.

It is submitted on behalf of petitioners that informant is not eye-witness of the murder of his son and has only raised suspicion that the accused persons might have killed his son due to the reason that in past, they had threatened his son to kill. Petitioners are alleged to be conspirator. Similarly situated co-accused have already been granted bail by this Court, vide orders annexed as Annexure 4 series to the petition.

However, learned counsel for the informant vehemently opposes the prayer for anticipatory bail of petitioners on the ground that petitioners are residing in abroad and had conspired and hired the criminals for committing murder of the deceased. Some of the witnesses have also supported the prosecution case.

Considering the aforesaid facts and circumstances as well as the fact that petitioners are only alleged to be conspirator, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari in



connection with Harsidhi P.S. Case No. 346 of 2019 (G.R.No. 7719 of 2019), subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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