

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48923 of 2022

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

ALKE @ SABA AHAMAD @ MD. AALAKE Son of Md. Sabir R/o village -
Madaripur, Ward No.- 1, P.S.- Bajpatti, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-12-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Nanpur P.S. Case No. 272/2021, registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The case of the prosecution, in brief, as per the fardbeyan of the informant, who is stated to be the chaukidar of the village, is that on 25.08.2021 at 6:35 am., he heard that a body of an unknown male person is lying near Barka Pokhara, whereafter the informant had reached on the spot and found that a dead body of an unknown person was lying in a pool of blood,



whereafter he had informed the SHO, Nanpur Police Station. As far as the petitioner is concerned, his name is stated to have transpired in the present case, during the course of investigation, upon disclosure made by the co-accused person, namely, Nesar @ Bablu Naiyar.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 8.4.2022. The learned counsel for the petitioner has further submitted that the co-accused person, namely, Nesar @ Bablu Naiyar, on whose disclosure, the name of the petitioner has transpired in the present case, has already been granted bail by a coordinate Bench of this Court, vide order dated 21.12.2022, passed in Criminal Miscellaneous No. 33810 of 2022. It is also submitted that one another co-accused person has also been granted bail by a coordinate Bench of this Court, vide order dated 22.12.2022, passed in Criminal Miscellaneous No. 29620 of 2022. Lastly, it is



submitted that there is no material on record to suggest the complicity of the petitioner in the alleged crime.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the FIR is against unknown persons, the name of the petitioner has transpired in the present case, upon the confessional statement made by the co-accused person, namely, Md. Nesar @ Bablu Naiyar, who has already been granted bail by a coordinate Bench of this Court and the petitioner is languishing in custody since 8.4.2022, apart from the fact that the petitioner is having a fair antecedent, inasmuch as he is an accused only one another case in which he is on bail, I deem it fit and proper to direct for release of the petitioner on regular bail.



Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Pupri, Sitamarhi in connection with Nanpur P.S. Case No. 272 of 2021.

(Mohit Kumar Shah, J)

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