

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68153 of 2021**

Arising Out of PS. Case No.-111 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

Afsar Ali, Son of Nasir Alam, Resident of Village- Sahdullepur, P.S. and
District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Gopalganj (Town) P.S. Case No. 111 of 2021
registered for the alleged offences under Sections 302, 201 and
34 of the Indian Penal Code.

As per prosecution case, the dead body of the niece
of the informant was found hanging from a tree and the FIR was
registered against unknown. During investigation, name of the
petitioner transpired as one of the accused persons.



The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case merely on suspicion. It is very surprising that the deceased left her house on 13.02.2021 and when he did not return till next day, no report was lodged and even after the recovery of the dead body, the report was lodged next day. The petitioner was named in this case on the basis of statement of some of the witnesses recorded during investigation that they saw the deceased with this petitioner. The name of the petitioner came up on the basis of this statement and also from the call details report of mobile phone used by the petitioner and the deceased. But there is no eye-witness to the alleged occurrence. The police has not brought on record the tower location of the mobile number of the deceased and the petitioner to show that they were together. The informant has falsely implicated the petitioner in the instant case as elder sister of the deceased has performed love marriage with the elder brother of the petitioner. Learned counsel further submits that the trial has progressed in the case and altogether four prosecution witnesses have been examined but none of them have supported the prosecution case. Even the informant has not supported the prosecution case against this petitioner. Other co-accused persons have been granted bail by different Co- ordinate Benches of this Court vide order dated



06.12.2021 passed in Cr. Misc. No. 36704 of 2021 and order dated 17.09.2021 passed in Cr. Misc. No. 36895 of 2021. Petitioner is in custody since 25.02.2021.

Learned APP opposes the prayer for bail submitting that the witnesses examined during investigation has named this petitioner.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against this petitioner to connect him with the alleged offence and also considering his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj (Town) P.S. Case No. 111 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

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

