

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12979 of 2023

Arising Out of PS. Case No.-674 Year-2020 Thana- KAHALGAON District- Bhagalpur

1. Md. Faizal @ Faiyzal Son Of Nausad R/V- Rajganj, P.S- Pirpainty Dist- Bhagalpur.
2. Md. Gulfraz Son Of Md. Ahsan R/V- Rajganj, P.S- Pirpainty Dist- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 21-07-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioners seek bail in connection with
Kahalgaon (Ghogha) P.S. Case No. 674 of 2020 registered for
the offence under Sections 302, 201 of the Indian Penal Code.

4. The accused/petitioners are not named in the F.I.R.
and are in custody since 23.08.2022

5. As per case of prosecution, one dead body of
female aged about 16 years was found in the Ganga Canal to the
informant of this case while on patrolling duty alongwith police



personnels, where name of petitioners appears in this case during the course of investigation and dead body of girl was identified as sister of one Bibi Rizwan of village Rajganj, P.S. Pirpati, District- Bhagalpur.

6. Learned Counsel appearing on behalf of petitioners submitted that save and except suspicion, nothing appears against petitioners as informant is not the eye-witness of the occurrence. It is submitted that during the course of investigation merely it appears that as petitioner no. 1, namely, Md. Faizal @ Faiyzaal having love affair with the deceased, he was implicated with present case. It is further submitted that on the date of occurrence, petitioner no. 2 was in Punjab. Learned counsel further submitted that when sister of deceased came to identify the dead body completely on the basis of concocted story, an application was obtained by informant in this case suggesting present implication of petitioners otherwise having no cogent materials. Learned counsel further submitted that payment of Rs. 1 lacs as dowry is only to aggravate the allegation, as there was no such negotiation with petitioner no. 1. It is submitted that merely on the basis of certain (CDR) Call Details Record, petitioner cannot be connected with present occurrence. While concluding the argument, it is submitted that



petitioners are of clean antecedents and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as save and except suspicion, where informant is not the eye-witness of the occurrence, nothing incriminating appears against petitioners, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 23.08.2022, accordingly, petitioners above named, are directed to be released on bail in connection with Kahalgaon (Ghogha) P.S. Case No. 674 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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