

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14844 of 2023

Arising Out of PS. Case No.-96 Year-2022 Thana- INARWA District- West Champaran

RAISUL AJAM S/o Late Chokat Ansari R/o Village- Ghorpakri, P.S.- Inarwa,
Distt- West Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Inarwa P.S. Case No. 96 of 2022 for the offence registered under sections 302 and 34 of the Indian Penal Code lodged on 06.10.2022 by the informant, Jamila Khatoon.

The informant in her written first information report stated that on 05.10.2022 her villager Raisul Ajam (petitioner) and two other persons proceeded for seeing Bhangaha Mela at 08:00 p.m. on calling her son Md. Kaish. The informant alleged that her son could not comeback to her house and then she found that the son of the informant was hanged near a "Chabutra" of her "Osara" with his shirt, she made an alarm upon which neighbouring persons came and then the dead body was got down upon which several injury was found. She said that there was no enmity with anyone of her son. She further said that on the mobile of her son last call was come at 09:56



p.m. by the petitioner from his mobile.

Accordingly, the FIR.

Learned counsel for the petitioner submits that allegation is only of calling the deceased on phone and later his dead body was found hanging. There is no material to implicate the petitioner in this case, save and except that the last seen theory.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the deceased was called by the accused persons whereafter the dead body was found hanging in the next morning.

Considering the kind of allegation that has come against the petitioner as also that he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Bettiha, West Champaran in connection with Inarwa P.S. Case No. 96 of 2022 subject to condition as



laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/Neha/-

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