

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31109 of 2023

Arising Out of PS. Case No.-87 Year-2022 Thana- BHAIKAVSHTHAN District- Madhubani

MD NEHAL SON OF MD. HASAN RESIDENT OF AKHANTA, PS
KHUTAUNA, DISTRICT MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Lakshmi Kant Sharma, Adv. Mr. Akshay Ashish, Adv.
For the Opposite Party/s :		Mr.Md. Mushtaque Alam, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-08-2023 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 302/201 of the Indian Penal Code.

3. Allegedly, petitioner along with accused persons is said to have committed murder of one Pappu Kumar as he had illicit relations with daughter of one of the accused persons.

4. It is submitted by learned senior counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been suffering from chronic heart disease and his treatment is going on in Lokmanya Tilak Municipal Medical College and General Hospital, Sion,



Mumbai and due to his treatment, he is living in Mumbai. He has been made accused in the present case merely on the confessional statement of co-accused Ganesh Thakur and Amir Kumar. Similarly situated co-accused, namely, Md. Minhaz, has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 25.02.2023 in Cr.Misc. No. 66864 of 2022. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail by submitting that the petitioner was involved in the alleged crime and the further investigation is still going on.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that petitioner is suffering from chronic heart disease.

(Anjani Kumar Sharan, J)

divyanshi/-

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

