

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45205 of 2023

Arising Out of PS. Case No.-412 Year-2022 Thana- PHULPARAS District- Madhubani

1. MD. ANABARUL HAK @ ANWARUL RAIN Son of Rahamul Rain Resident of House No.- 48 village - Amauja, P.S.- Phulparas and District - Madhubani.
2. Md. Anasarul Hak @ Ansarul Rain @ Ansarul Son of Rahamul Kuzara @ Rahamul Rain Resident of Village - Amauja, P.S.- Phulparas and District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali, Advocate
For the Opposite Party/s : Mrs.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-09-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 12.12.2022 in connection with Madhubani Phulparas P.S.Case No.412 of 2022, G.R.No.1477 of 2022, F.I.R. dated 31.08.2022 registered for the offence punishable under Section 363,364,302,201 and 120(B) of the Indian Penal Code.

3. The FIR of the occurrence of abduction and murder of the daughter of the informant is against unknown.

4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis



that the petitioner No.1 is husband and petitioner No.2 is brother-in-law of the deceased and petitioners are not named in the FIR. The name of the petitioners have been transpired during investigation merely on the basis of suspicion and it has come during investigation that the petitioner No.1 was in Mumbai on the date of occurrence i.e. on 20.08.2022. Further submits that the date of occurrence as alleged in the FIR is 20.08.2022 but the present FIR has been instituted on 31.08.2022 after delay of about 11 days without giving any explanation of delay and petitioner No.1 and his daughter have identified the dead body of the victim and except the suspicion, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 12.12.2022.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II,



Jhanjharpur in connection with Madhubani Phulparas P.S.Case No.412 of 2022, G.R.No.1477 of 2022, with the following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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