

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37594 of 2022

Arising Out of PS. Case No.-130 Year-2021 Thana- BAUSI District- Araria

1. MD. SHAFIQUE @ SHAFIQUE ALAM Son of Late Jahur @ Late Md. Zahoor Resident of Village - Karankia, Police Station - Bousi, District - Araria.
2. Abu Nasar@ Md. Nasar Son of Md. Shafique @ Shafique Alam Resident of Village - Karankia, Police Station - Bousi, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Adv.
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 29-03-2023 Heard learned counsel for the petitioner and learned APP
for the State.

Vide order dated 23.11.2022, this application with regard
to petitioner no.2 was withdrawn.

Accordingly, it is being heard for petitioner no.1 only.

The petitioner apprehends his arrest in connection with
Bousi P.S. Case No.130 of 2021, registered for the offence
punishable u/s 302/34 of the IPC.

The allegation against the petitioner is that he along with
other accused persons committed murder of the daughter of the
informant by hanging in Mango tree in the orchard of petitioner.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is no eye-witness to the alleged occurrence and only on suspicion, the petitioner has been made accused in this case. Two co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No.23090 of 2022 dated 28.11.2022. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that from perusal of the postmortem report, it is clear that externally, *“double strand single ligature mark of approximately 1 cm wide on Anterior neck extended up to back of neck, more prominent on right ant., lateral and posterior aspect of neck, less prominent on left side of neck with swelling above and below the ligature mark and distinct inverted ‘V’ mark seen behind left ear”* was found.

Having regard to the facts and circumstances of the case and the nature of allegation, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.



This application is accordingly dismissed.

However, petitioner no.1 is at liberty to surrender before the learned Court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably on the same day, without being prejudiced of this order and in accordance with law.

(Anjani Kumar Sharan, J)

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