

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37363 of 2023

Arising Out of PS. Case No.-511 Year-2021 Thana- ARARIA District- Araria

Md. Rizwan @ Rizwan, Son of Md. Zabbar, R/o Murballa, Ward No. 04, PS-
Araria (R.S.), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2023 Heard Mr. Madhav Jha, learned counsel appearing on
behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Araria (R.S.) P.S. Case No. 511 of 2021 registered for the offences punishable under Sections 302, 201, 120B of the Indian Penal Code.

3. It is alleged that few days before the occurrence, co-accused Md. Rabban threatened the brother of the informant with dire consequences. In the night of 22.06.2021, while his brother was sleeping alone in the Varandah, the petitioner and others strangled and killed him.

4. Learned counsel appearing on behalf of the petitioner, with reference to the F.I.R., submits that even as per the narration of the F.I.R. it is evident that the informant is not



the eye witness to the alleged occurrence and he had only seen the accused persons, including the petitioner, who were gossiping soon before the alleged occurrence. He further submits that the co-accused Md. Rabban threatened the brother of the informant prior to the occurrence. He next submits that as during the course of investigation none of the witnesses have supported the prosecution case, the police submitted final report against only two accused persons and the petitioner has not been sent up for trial. However, differing with the final report, the learned court below took cognizance, hence the present application. He lastly submits that the petitioner is a man of fair antecedent and undertakes that he will fully cooperate in the trial.

5. On the other hand, learned APP for the State opposes the bail application.

6. Having considered the submissions made on behalf of the parties and considering the fact that the petitioner has not been sent up for trial after having found no complicity in the occurrence, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on



furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Araria in connection with Araria (R.S.) P.S. Case No. 511 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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