

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42455 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- BAISI District- Purnia

MD. SHAHADAT son of Late Farooque Village- Minapur PS- Baisi Dist-
Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Advocate
For the State	:	Mr. Raj Ballabh Singh, A.P.P.
For the Informant	:	Mr. Satyendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioner, informant
and the State.

2. Petitioner apprehends arrest in case registered for
the offences punishable under Section 365/34 of the Indian
Penal Code. Section 302/201 of the Indian Penal Code was
added later on.

3. It is alleged that on 28.02.2023 husband of the
informant went out for work but did not return. On search, the
informant came to know that her husband consumed liquor and
went to the house of Lakhan Adiwasi. It is further alleged that
this petitioner along with other accused persons killed the
husband of the informant.

4. Learned counsel for the petitioner submits that



informant is not an eye witness of the occurrence and only on suspicion he has been made accused in this case. It is further submitted that it is a case of circumstantial evidence and petitioner was only last seen with the deceased.

5. However, learned counsel for the informant opposes the bail application and submits that during course of investigation it has come that this petitioner along with other accused persons were last seen with the deceased at Lakhan Adiwasi's house. Moreover, in the post-mortem report cause of death is Hemorrhage and shock due to cut throat by a sharp cut weapon.

6. Considering the nature of allegation and gravity of the offence, prayer for anticipatory bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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