

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54816 of 2022

Arising Out of PS. Case No.-162 Year-2022 Thana- KAHALGAON District- Bhagalpur

Md. Faiyaz @ Md. Faiyaz Alam Son of Md. Yunus R/V- Banaspati, Ward No. 7, P.S- Kahalgaon, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Adv. Mrs. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Abhay Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 21-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Kahalgaon P.S. Case No. 162 of 2022 registered for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

As per the prosecution, the informant after getting information on 27.02.2022, regarding dead body being found in one *Bora* (Sack) floating in a pond, reached at the place of occurrence and after opening the *Bora*, dead body of a lady



being cut in several pieces was found, after which the FIR was registered.

The main submissions advanced by learned senior counsel Mr. Ajay Kumar Thakur appearing for the petitioner are that the FIR was registered against unknown persons and the dead body of the deceased could not be identified as the same was found in several pieces and during the investigation, most of the examined witnesses did not make any direct allegation against the petitioner and even did not disclose the role of the petitioner in the alleged crime of murder and the petitioner has no relation with the main co-accused persons, who allegedly murdered the victim, and the victim happened to be the daughter of co-accused Deep Narayan Rajak and during the investigation the petitioner's role in disposing of the dead body surfaced in the statements of the parents of the deceased given before the police, which have no evidential value and police also investigated the matter on the point of mobile communication between the petitioner and the parents of the deceased but even though any technical evidence was not found to show that the petitioner was in contact with the parents of the victim at the relevant time of the alleged occurrence and accordingly there is no evidence against the



petitioner and the investigation has been completed against him and moreover the main allegation of committing murder of the deceased is against her own close relatives but not against the petitioner.

Learned APP Mr. Abhay Kumar appearing for the State has opposed the bail prayer but fairly accepted that during the investigation no admissible evidence is found against the petitioner.

Heard both the sides and perused the FIR and case diary of this case. Though, the instant matter relates to murder and the body of the victim was found in several pieces but the prosecution has not brought any admissible evidence against the petitioner before this Court and in respect of the involvement of the petitioner in disposing of the dead body and dismembering the same, the prosecution is mainly believing on the statements of the co-accused persons given before the police. Hence in view of non-availability of any legal evidence against the petitioner, this Court is inclined to accept the petitioner's prayer for bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in



connection with Kahalgaon P.S. Case No. 162 of 2022.

(Shailendra Singh, J)

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