

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57286 of 2022**

Arising Out of PS. Case No.-657 Year-2021 Thana- PURNEA SADAR District- Purnia

Chand Alam Son Of Md. Matin Ansari Resident of village- Bairgachhi, P.S.-  
K. Nagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. N. A. Shamsi, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      03-02-2023                      Heard the learned counsel for the  
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Sadar (Mufasil) P.S. Case No.657 of 2021, registered for the offence punishable under Sections 302/ 201 of the Indian Penal Code.

The informant is stated to have received an information that the dead body of a female was lying at the alleged place of occurrence, whereafter, the informant along with the police force had gone to the alleged place of occurrence and had recovered a dead body of a female and upon examination, it transpired that



there was sign of injuries on the right side of the head of the deceased female. It is also alleged that some unknown miscreants had killed the deceased lady and had thrown the dead body in the river.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 07.06.2022. The learned counsel for the petitioner has further submitted, by referring to the impugned order dated 01.09.2022 that the learned court below has gone through the case diary and has found that the main accused is one Md. Shams Raza, who had talked on mobile phone with the deceased lady on several occasions on the date of occurrence, hence, it is submitted that the petitioner is not having any complicity in the matter and his name has transpired in the present case only upon the confessional statement made by the main accused namely, Md. Shams Raza. It is also submitted that there is no eye



witness to the alleged occurrence nor any weapon used for killing the said deceased lady has been recovered from the possession of the petitioner. Lastly, it is submitted that chargesheet has already been filed in the present case, hence, no prejudice would be caused to the prosecution in case the petitioner is granted bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the facts stated in the impugned order dated 01.09.2022, this Court finds that there is no eye witness to the alleged occurrence, the petitioner is having a clean antecedent and the learned Court below, upon perusal of the case diary, has found the complicity of one Md.Shams Raja, in the alleged occurrence, however, as far as the petitioner is



concerned, it appears that there is minuscule evidence in the case diary so as to connect the petitioner with the alleged occurrence, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged 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 Chief Judicial Magistrate, Purnea in connection with Sadar (Mufasil) P.S. Case No.657 of 2021.

**(Mohit Kumar Shah, J)**

kanchan/sonal-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

