

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61293 of 2023

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

Izhar @ Md. Izhar, Male, aged about 25years, son of Md. Maslu, resident of Minapur, PS- Baisi, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md Fazle Karim, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Jitendra Kumar Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioner; learned Additional Public Prosecutor for the State as well as learned counsel for the informant, who has appeared *suo motu*.

2. The petitioner apprehends arrest in connection with Baisi PS Case No.98 of 2023 dated 02.03.2023, instituted under Sections 302, 201 of the Indian Penal Code.

3. It is alleged that on 28.02.2023, the husband of the informant had gone to Kathol for an urgent work, but he did not return. On search, the informant came to know that her husband consumed toddy along with the persons named in the FIR in the house of Lakhan Adiwasi. It is further alleged that the persons named in the FIR have killed the husband of the informant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Petitioner is not named in the FIR. Only on the basis of suspicion, he has been made accused in this case. It is also submitted that the named accused, Rajesh Adiwasi, has confessed his guilt but he has not named the petitioner in his confessional statement. It is further submitted that only on the basis of suspicion the deceased's brother has named the petitioner. There is no eye witness to the occurrence. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP as well as learned counsel for the informant has opposed the prayer for bail. Learned counsel for the petitioner informant submits the prayer for anticipatory bail of named accused, Md. Shahadat, has been rejected by a coordinate Bench of this Court. It is further submitted that in paragraph 78 of the case diary, witness Sarfaraz Ansari has given his confessional statement, wherein, he accepted that he along with the petitioner and others had consumed toddy. However, this statement does not corroborate the allegation of kidnapping and killing by the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within



six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in Baisi PS Case No.98 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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