

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68886 of 2022

Arising Out of PS. Case No.-286 Year-2022 Thana- NARPATGANJ District- Araria

Md. Abujar @ Abujar, aged about 60 years (M), S/O Abdul Ganni R/O
Village- Bela Tinkhambha Tola, Ward No-01, P.S-Narpatganj, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Sharda Nand Mishra, Advocate
For the State	:	Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-03-2023 This matter has been taken up today for consideration
through video conferencing.

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

The petitioner seeks bail in connection with Narpatganj
(Basmatiya) P.S. Case No. 286/2022 registered for the offence
punishable under Sections 302, 341, 323, 365, 366, 504 and
506/34 of the Indian Penal Code (*for brevity 'IPC'*).

The informant's daughter, as per prosecution case, has
gone missing from her *sasural*. The same has led to lodging of
the First Information Report (*for brevity 'FIR'*) alleging
kidnapping. On recovery of the dead body of the victim dumped
beside a canal, Section 302 of the IPC has been added.

The learned counsel for the petitioner submits that
petitioner is father-in-law of the victim. He has not even been
named by the informant in the FIR. The informant, surprisingly,
has also not named the victim's husband. By virtue of
petitioner's relationship, and based on suspicion, he has been



made accused during the investigation, though there is no cogent material to even suggest the petitioner's involvement. He is in custody since 06-07-2022. There is also antecedent of the petitioner for alleged offences under the Bihar Prohibition and Excise Act and in the said case, he is on bail. Co-accused, namely, Md. Saddam Hussain @ Saddam Hussain and Md. Isahak @ Md. Ishaque, who are named by the informant, have been allowed bail in Criminal Miscellaneous No. 66874 of 2022.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the fact that petitioner is not FIR named accused, his period of custody and claim based on parity with other co-accused, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released 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 learned C.J.M. Araria, in connection with Narpatganj (Basmatiya) P.S. Case No. 286/2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the



petitioner.

(ii)That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

