

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70506 of 2022

Arising Out of PS. Case No.-159 Year-2022 Thana- SIKTI District- Araria

ARIF Son of Sri Khursheed Alam Resident of Village - Pipra Bejuwar, P.S.-
Palasi, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Sikti P.S.
Case No. 159 of 2022 registered for the offence under Sections
302/34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 25.06.2022.

The allegation against the petitioner is to commit
murder of daughter of informant along with other co-accused
persons.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner implicated falsely with the present
case. It is submitted that petitioner not named in FIR initially,



but during course of investigation, as an afterthought informant named him in paragraph No.11 of case diary, raising suspicion to kill her daughter, as she came to know that petitioner had love affairs with deceased daughter. It is submitted that alleged incriminating material as sickle, Nylon rope and *Basula* were recovered from house of deceased. It is submitted that widow deceased daughter of the informant, as she was in love affairs, petitioner usually talk over mobile phone and it is very natural to have a call details of this effect and is not suggesting, incrimination of petitioner, committing crime in question and this evidence is not of such magnitude which may connect this petitioner with crime in question. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner was not named in the FIR.

Considering the facts and circumstances as mentioned above, as except suspicion raised by informant, during course of investigation, where, alleged incriminating material were recovered from house of deceased, not from this petitioner



coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 25.06.2022, let the petitioner, above named, is directed to be released on bail in connection with Sikti P.S. Case No. 159 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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