

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73417 of 2022

Arising Out of PS. Case No.-866 Year-2020 Thana- ARARIA District- Araria

=====

Aazma @ Md. Aajam Son Of Late Jiyaul Khan R/O Village- Riwahi,
Khabdah, Ward No.17, P.S.- Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-03-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Araria
P.S. Case No.866 of 2020 registered for the offence under
Sections 302 and 34 of the Indian Penal Code and Section 27 of
the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.07.2022.

The allegation against the petitioner is to commit the
murder of the husband of informant alongwith two or three
unknown accused persons due to longstanding family disputes.

Learned counsel appearing on behalf of the petitioner
submitted that save and except suspicion nothing appears
incriminating against this petitioner as per face of F.I.R. It is



submitted that petitioner was ex-husband of informant, who after obtaining divorce from petitioner solemnized marriage with deceased and as such there is no occasion of non-identification of petitioner on the spot by informant, which makes entire allegations doubtful on its face. It is submitted that as relation of petitioner and informant was strained due to some matrimonial discord, present false implications appears to be made. It is also submitted that petitioner found involved in eight more criminal cases, where he is on bail in all cases and in maximum of cases, his name either surfaced on the basis of confessional statement or on the basis of suspicion as of the present case, having otherwise no bearing over the merit of this case. While concluding the argument it is submitted that present case was lodged under the misconception of the fact, where matter has now compromised between the parties and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as save and except suspicion nothing appears against this



petitioner, who is ex-husband of the informant to connect this petitioner, *prima facie*, with the present occurrence of murder coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Araria P.S. Case No.866 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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

