

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12498 of 2022

Arising Out of PS. Case No.-87 Year-2020 Thana- RAUTA District- Purnia

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1. MD ANWAR ALAM Son of Late Md. Gufran Resident of Para Purnea, P.S.-
Routa, District- Purnea.
 2. Md. Rabban Alam S/o Late Md. Gufran Resident of Villag and P.S.-
Mehandiya, District- Arwal, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 04-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case instituted
for the offence under Section 302, 201/34 of the Indian Penal
Code.

As per allegation in the FIR, deceased Farhana
Begum is daughter of the informant from his first wife and she
was married to Mujahid Alam but later on she had fled away
with petitioner Md. Anbar and had gone to Surat. On 4.9.2020,
deceased and Md, Anbar returned at the house of the sister of
the informant Sahela of village Chairpur, Kathabari. However,
she was later on found missing and after few days, a body



without head was recovered to which informant and his wife identified as of his daughter's dead body. The informant has strong suspicion that her daughter was killed by FIR named accused persons including the petitioners.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. There is no eye witness of the occurrence. Prior to the present FIR, case of missing/kidnapping was not lodged by the informant so this circumstances shows serious doubt in authenticity of prosecution case. On suspicion, the petitioner no. 2 was arrested by police and after torture his confessional statement was recorded which is inadmissible in the eye of law. Petitioners are languishing in judicial custody since 16.09.2020.

The application for bail is opposed by learned APP for the State and submitted that at the instance of petitioners, chopped head was recovered. Petitioners were seen moving at the place of occurrence by two witnesses, which is mentioned in para 74 and 75 of the case diary.

Having heard the learned counsel for the parties and considering the nature of allegation and material collected during investigation which points towards complicity of petitioners, this court is not inclined to enlarge them on bail and,



as such, their prayer for bail stands rejected.

However, if the trial of the petitioner is not concluded within a period of six months, he would be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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