

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7044 of 2024

Arising Out of PS. Case No.-52 Year-2023 Thana- NAANPUR District- Sitamarhi

Md. Umar @ Umar @ Nazir Imran, S/O Md. Gulab @ Md. Imran, R/O
Village- Kataul, P.S- Jaale, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Nanpur P.S. Case No. 52 of 2023, registered on 02.02.2023 for the offences under Sections 302, 328, 354, 506/34 of the Indian Penal Code.

3. As per prosecution case, sister of the informant was enticed away by the petitioner giving her inducement of marriage. Later on the informant came to know that his sister was lying in unconscious state at certain place and when he reached there, he was told by her sister that the petitioner administered her poison and fled away leaving her there. Sister of the informant also told him that the petitioner promised her to marry and also sexually exploited her.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Prosecution story is completely false and concocted. At one place the informant states that the petitioner enticed away his sister with intention of marriage and at another place he has stated that the petitioner was not ready to marry her sister. The prosecution story is further not believable that when the sister of the informant was lying in unconscious state, where was the occasion for her to tell the informant that the petitioner administered poison and left her behind. Learned counsel further submits that the informant has stated that he along with his brother-in-law Md. Ekramul reached the place where his sister was lying but that witness has denied accompanying the informant. Brother-in-law of the informant rather stated that he directly went to the local hospital and did not visit the spot. Learned counsel further submits that there is no material on record to support the case of the informant. The FIR has been lodged after a week when the sister of the informant eloped and no explanation has been given why the case was not registered earlier. The post-mortem report did not show any external injury and viscera was preserved to ascertain the cause of death. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



vague nature of allegation against the petitioner and further considering the lack of substantive material against the petitioner to connect him with the offence as alleged and also considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned SDJM, Pupri, Sitamarhi/court concerned in connection with Nanpur P.S. Case No. 52 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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