

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9522 of 2024**

Arising Out of PS. Case No.-249 Year-2022 Thana- SIMRI District- Darbhanga

Shahabuddin Anwar @ Dablu S/O- Late Sikandar Karim R/O- Village-  
Shobhan Maniyari, P.S.- Simri, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dinkar Kumar, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

3      26-04-2024      Heard learned counsel for the petitioner and learned APP  
for the State. Perused the case diary.

2.      The petitioner has earlier moved before this Court  
with a prayer for anticipatory bail which was dismissed *vide*  
order dated 19-08-2023, passed in Cr. Misc. 20214 of 2023.

3.      The petitioner seeks bail in connection with Simri  
P.S. Case No. 249 of 2022 instituted for the offence under  
Sections 302, 120(B)/34 of the Indian Penal Code and Sections  
25(1-B)a, 27 & 35 of the Arms Act.

4.      As per the prosecution case, the petitioner along  
with other co-accused persons allegedly committed murder of



the husband of the informant, namely, Jiyaar Rehman (deceased).

5. It has been submitted on behalf of the petitioner that the petitioner is in custody since 23-08-2023. Petitioner is a man of clean antecedent.

6. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. He submits that the informant is not a witness of any part of the occurrence as also none has seen the alleged occurrence and only on the basis of suspicion, the petitioner has been named in the present case. The police on the basis of FIR arrested co-accused Md. Javed and also recorded his confessional statement which does not contain the name of the petitioner. Name of the petitioner has been taken by the co-accused in the second set of confessional statement. He further submits that the confessional statement and the postmortem report are contradictory in nature. He further submits that the husband of the petitioner was found missing on 07-12-2022 but, no information was given to the police and only after recovery of the dead body, the present written report was allegedly lodged.

7. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioner and has produced the order dated 13-03-2024 passed in Cr. Misc. No. 13037 of 2024, whereby this Court has been pleased to reject the prayer for bail of the co-accused persons.

8. This Court finds that there is an allegation of causing murder of the husband of the informant against the petitioner. From paragraph No. 177 of the case diary, it appears that the tower location of the mobile of the petitioner was found near the place of occurrence at the time when the alleged incident is stated to have taken place. The charge-sheet has also been submitted against the petitioner.

9. In view of the above, considering the nature and gravity of the offence coupled with the fact that there is direct allegation against the petitioner for allegedly causing murder of the informant's husband, this Court is not inclined to grant bail to the petitioner for the present.

10. Accordingly, the prayer for bail of the petitioner, above named, is ***rejected*** with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of one year from today.

11. If the trial is not concluded within the aforesaid period of one year, the petitioner will be at liberty to renew



his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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