

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14226 of 2024

Arising Out of PS. Case No.-274 Year-2022 Thana- AMAUR District- Purnia

1. Zafar Alam @ Md. Zafor @ Md. Jafar Alam S/O Md. Yakub R/O Village- Bagdar (Murad Tola), Ward No.11, P.S- Amour, Distt.- Purnea.
2. Md. Taslimuddin @ Md. Taslim S/O Sk Latif @ Latiful R/O Village- Bagdar (Murad Tola), Ward No.11, P.S- Amour, Distt.- Purnea.
3. Md. Tansim Alam @ Tausin S/O Md. Hakrul R/O Village- Bagdar (Murad Tola), Ward No.11, P.S- Amour, Distt.- Purnea.
4. Md. Nurul @ Nurul S/O Md. Riyazul R/O Village- Bagdar (Murad Tola), Ward No.11, P.S- Amour, Distt.- Purnea.
5. Md. Raiful @ Raiful S/O Md. Muslim R/O Village- Bagdar (Murad Tola), Ward No.11, P.S- Amour, Distt.- Purnea.
6. Md. Shahbaz @ Shahbaz @ Md. Shahnaz S/O Md. Shahid R/O Village- Bagdar (Murad Tola), Ward No.11, P.S- Amour, Distt.- Purnea.
7. Md. Sehraj Alam@ Shehrul @ Sahroz S/O Md. Shahid R/O Village- Bagdar (Murad Tola), Ward No.11, P.S- Amour, Distt.- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ram Prawesh Kumar, Advocate
For the State	:	Mr.Ajit Kumar, APP
For the Informant	:	Mr. Rabindra Kumar Priyadarshi, Advocate
		Mr. Dheeraj Kumar, Advocate
		Mr. Sumit Kumar Bhagat, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners, learned

APP for the State and learned counsel appearing on behalf of the

informant.

2. In the present case, the petitioners are

apprehending their arrest in connection with Amour P.S. Case



No. 274 of 2022, registered on 12.09.2022 for the offences under Sections 147, 448, 302, 506 of the Indian Penal Code.

3. As per prosecution case, the petitioners entered into the house of the informant at 3.00 A.M. and stragulated to death the wife of the brother of the informant. The occurrence took place in the background of some earlier dispute.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The allegations are completely concocted and absurd. From the FIR it is also apparent that the informant is not an eye witness. The real fact of the case is one Md. Mohim, the husband of the deceased had committed rape with minor sister of petitioner nos. 6 and 7, who became pregnant, and for the said occurrence Amour P.S. Case No. 209 of 2022 was lodged for the offences under Sections 376, 506 of the Indian Penal Code and also under POCSO Act. Learned counsel further submits that due to the previous enmity the petitioners have been made accused in this case. Learned counsel also submits that the informant and family members might have committed murder of the wife of the brother of the informant. The petitioners are having no criminal antecedent.

5. Learned APP as well as learned counsel



appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that the witnesses have supported the prosecution case as it appears from the rejection order of learned Sessions Judge, Purnea who has referred paragraphs 6, 7 and 9 of the case diary. The postmortem report also shows the cause of death was asphyxia due to throttling.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the background of earlier dispute and further considering the absurdity of allegation coupled with possibility of false implication, let the petitioners above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/concerned court in connection with Amour P.S. Case No. 274 of 2022, subject to the condition 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 petitioners.



(ii) The petitioners 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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