

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62169 of 2024

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

Md Asfak @ Asfaque, son of Riyajul, resident of Village- Bagdar (Murad Tola), Ward No. 11, P.S- Amour, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mrs.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Amour P.S. Case No. 274 of 2022, registered for the offences under Sections 147, 448, 302, 506 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons entered into the house of the informant at 3.00 A.M. and strangled 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 petitioner submits that the petitioner is innocent and has 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 that one Md. Mohim, the husband of the deceased had committed rape with minor sister of co-accused Shahabaz and Sehraj, 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 petitioner has 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 petitioner is having no criminal antecedent.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP 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 and clean antecedent, 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 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 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)

V.K.Pandey/-

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