

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67176 of 2023

Arising Out of PS. Case No.-330 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

MD. NAUSHAD SON OF LATE MD. ISMAIL ANSARI RESIDENT OF
VILLAGE CHAUPAR BHARAT PS BOCHAHA DISTRICT
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.

For the Opposite Party/s : Mr.Uday Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Bochaha P.S.
Case No. 330 of 2022 registered for the offences punishable
under Sections 302, 120(B) of the Indian Penal Code.

3. Allegedly, having conspiracy, all the accused persons
including the petitioner committed murder of the informant's
son.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and has committed no offence.
No such occurrence as alleged ever took place. He has been
falsely implicated in this case due to ulterior motive. The
allegation levelled against the petitioner is totally false and



based on concocted facts. There is no eye-witness in the present case. Petitioner is a relative of the informant. On the alleged date of occurrence, the petitioner was in Muzaffarpur and after death of the deceased, he came to know about the same. He has no role in the present case. His name has been transpired in the present case merely on suspicion as earlier he had intimacy with the wife of the deceased. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that the allegations levelled against the petitioner is serious in nature and he is the main conspirator in the present case. It is further submitted that it is apparent from the case diary that the informant and other witnesses have supported the prosecution case and the call details of the petitioner and the co-accused Soni Khatoon clearly show that they were in constant touch. There were 2386 calls between them and even on the date of the occurrence, they were in constant touch. The petitioner's location was also found to be near the location of the deceased on the date of occurrence and one day before. Hence, he does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case as well as the nature of the offence, as there is ample evidence in



the case diary which indicates the complicity of the petitioner in the present case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that one of the co-accused has been granted regular bail by a co-ordinate Bench of this Court.

(Anjani Kumar Sharan, J)

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