

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68788 of 2024

Arising Out of PS. Case No.-253 Year-2024 Thana- GHORASAHAN District- East
Champaran

Arbaj Alam, S/o Perwej Alam R/o Vill- Singarahiya, P.S.- Ghorasahan, District- East Champaran	Versus	 Petitioner/s
The State of Bihar		 Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Nafisu Zzoha, Adv.
Md. Rabia Gulnaz, Adv.
For the Opposite Party/s : Mr. Suresh Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-11-2024 Heard Mr. Nafisu Zzoha, learned counsel for the

petitioner and Mr. Suresh Pd. Singh, learned APP for the State.

2. Petitioner seeks regular bail in connection with
Ghorasahan P.S. Case No. 253/2024 dated 07.06.2024 registered
for the offences punishable under Sections 302 and 120B read
with Section 34 of the Indian Penal Code.

3. The main submissions advanced by learned counsel
for the petitioner are that the petitioner is not named in the FIR
and the instant matter relates to honour killing. Though on the
body of the deceased several stab wounds were found but in
respect of the petitioner’s involvement in the alleged crime,
there is no any direct or circumstantial evidence except the
statement of co-accused, namely, Md. Rizwan who is said to be
the own brother of the deceased and if the statement of the said
co-accused is taken into consideration even then no serious



allegation appears against this petitioner except having being present with the said co-accused at the alleged place of occurrence and all the alleged acts resulting in death of the deceased were committed by co-accused Md. Rizwan himself as per his statement but the involvement of this petitioner as alleged by Md. Rizwan is completely false and in this regard, the statement of one witness, namely, Kalamuddin Rai is relevant who stated that the victim was seen going with co-accused Md. Rizwan only at the relevant time and the company of this petitioner was not revealed with them by the said witness and none of the witnesses examined during investigation stated that they had seen this petitioner being present with Md. Rizwan and the deceased at the relevant time. It is further submitted that the petitioner is a 20 year old person and has fair and clean antecedent and has been languishing in jail since 04.07.2024 and against him, the investigation has been completed.

4. Though the learned APP for the State has opposed the bail prayer of the petitioner but fairly accepted that there is no direct or circumstantial evidence against this petitioner except the statement of co-accused Md. Rizwan who is the main accused and also accepted that as per the statement of co-accused Md. Rizwan any overt act of this petitioner in the



commission of the alleged murder of the deceased does not appear.

5. Having regard to the facts and circumstances of this case as well as the above submissions and mainly the facts that as per the prosecution, the main allegation is against co-accused Md. Rizwan and the petitioner is simply stated to be present at the place of occurrence with co-accused Md. Rizwan and any overt act of the petitioner in the commission of the alleged occurrence has not been revealed and further the petitioner is said to be a 20 year old person having fair and clean antecedent and against him the investigation has been completed, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Ghorasahan P.S. Case No. 253/2024 **on the condition that** the bail bond will be accepted after framing of charge.

6. The trial court is directed to take steps for framing of charge upon the petitioner as per the procedure of law. If due to unavoidable circumstance, the charge is not framed upon the petitioner within the period of one month then



in such a situation, after expiry of the said one month period, the
bail bond of the petitioner will be accepted.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

