

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83661 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- DANDKHORA District- Katihar

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NAUSAD ALI @ NAUSAD SON OF LATE ABDUL MAJID @ MAJID ALI
RESIDENT OF VILLAGE- MANJHELI, PS- PRANPUR, DISTT-
KATIHAR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MD. KAYUM SON OF LATE SEIKH SUKURUDDIN RESIDENT OF
VILLAGE- RAIPUR, WARD NO. 10, PS- DANDHKHORA, DIST-
KATIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Chandra Prasad, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Dandhkhora P.S. Case no.70 of 2023 registered under sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the informant and the family members having gone to sleep, in the morning, it transpired that the throat of his son has been slit and he had been killed. The informant's daughter disclosed that Md. Wahid @ Chhotu along with others had committed the crime and had also threatened her.

4. Learned counsel for the petitioner submits that the



petitioner is not named in the F.I.R. He has been falsely implicated in the case in course of investigation. There is no eye witness to the occurrence and the petitioner is in custody since 18.7.2023.

5. The application for bail is opposed by learned A.P.P. for the State who submits that it has transpired in course of investigation that the wife of the informant was having an extra marital affair with the petitioner which was seen by the son of the informant which led to the informant's wife and the petitioner conspiring and committing the murder.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. together with the nature of material that has transpired in course of investigation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Liberty is granted to the petitioner to renew his prayer for bail on completing one year in custody or on framing of charge, whichever is later.

(Partha Sarthy, J)

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