

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11463 of 2025

Arising Out of PS. Case No.-203 Year-2024 Thana- HUSSAINGANJ District- Siwan

1. Azaz Alam @ Mohammad Azaz @ Md. Ezaz Son of Late Md. Mainuddin @ Mainudeen Alam village- Chhapiya Buzurg, Hussainganj, Ps- Hussainganj, Dist- Siwan.
2. Azad Alam @ Mohammad Azad Son of Late Md. Mainuddin village- Chhapiya Buzurg, Hussainganj, Ps- Hussainganj, Dist- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vagisha Pragya Vacaknavi, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Hussainganj P.S. Case No. 203 of 2024 (FIR No. 5135017240203) (G.R. No. 3397 of 2024) registered on 07.06.2024, for the alleged offences under Sections 302, 201/34 of the Indian Penal Code.

03. As per prosecution case, son of the informant was married with the sister of the petitioners and allegation against the petitioners and other co-accused persons is that they killed the son of the informant and threw his dead body in a *Chewada*.

04. Learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. The marriage of the son of the informant with the sister of the petitioners took place in the year 2015 and they have three children out of this wedlock. The prosecution story is not believable at all and is based on hearsay. The allegations are mostly general, vague and omnibus. The autopsy report does not say anything about any external injury though it has been alleged that the son of the informant was regularly assaulted and beaten. Even in the postmortem report no cause of death has been shown and *viscera* has been preserved for further examination. Learned counsel further submits that the petitioner no. 1 is a dedicated student of University of Delhi where he is pursuing graduation and the petitioner no. 2 was about to leave for Dubai for his construction business and visa has already been issued and it is unimaginable that the petitioners, who are engaged in their profession/business would take such a risk by involving themselves in the murder of their brother-in-law. Learned counsel further submits that, in fact, the son of the informant was a drunkard who died due to his own conduct and the informant in order to take revenge due to strained relations with the petitioners, has made all the family members of the petitioners accused in this case without any substantive material.



Learned counsel further submits that charge-sheet has been submitted in this case against the petitioners and their sister and investigation has been kept pending for other co-accused persons. The petitioners are in custody since 08.06.2024 and they have having clean antecedent.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the postmortem report being silent on the cause of death of son of the informant and further considering period of custody of the petitioners and their clean antecedents along with submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Siwan in connection with Hussainganj P.S. Case No. 203 of 2024 (G.R. No. 3397 of 2024), subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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