

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45623 of 2025

Arising Out of PS. Case No.-682 Year-2022 Thana- SIWAN CITY District- Siwan

Afzal Ali @ Afzal Sah @ Afzal Shah S/o Nasruddin Sah @ Nasaruddin
Resident of Village - Ismail Sahid Takiya, P.S. - Siwan Town, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Bijay Prakash Singh, Advocate
For the State : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-08-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code.

3. As per prosecution case, it is alleged that all the F.I.R. named accused persons, including this petitioner, abducted husband of informant and later on, dead body of husband of informant was found. Informant suspects that all the F.I.R. named accused persons, including this petitioner, committed murder of her husband.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. The present F.I.R. has been lodged after



inordinate delay of 5 days and there is no plausible explanation for the same which itself makes the entire prosecution case doubtful. Informant does not appear to be an eye witness of the alleged occurrence and no specific accusation of overt act has been alleged against this petitioner. As a matter of fact, death of informant's husband took place due to vehicular accident. Petitioners have falsely been implicated in this case merely because prior to lodging of the present case, Siwan Town P.S. Case No. 674 of 2022 was lodged by co-accused persons against husband of informant and others. It is further submitted that similarly situated co-accused persons have already been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 30.01.2024 passed in Cr. Misc. No. 39477 of 2023. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, nature of accusation, claim based on parity and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within



a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Town (Sarai) P.S. Case No. 682 of 2022, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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