

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77959 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- MAHISHI District- Saharsa

Aftab Alam @ Md.Aftab Son Of Md. Usman @ Usman Resident Of Village -
Bhelahi, P.S. - Mahishi (Jalai) And District – Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 22-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Mahishi P.S. Case No. 64 of 2024 registered for the alleged offences under Section 302 of the Indian Penal Code.

03. As per prosecution case, the wife of the informant was killed by unknown miscreants when she went to cut mustard crop from her land. The name of petitioner transpired during investigation as the person who murdered the wife of the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no eye witness to the alleged occurrence and the



name of the petitioner transpired in this case after the informer of the police named the petitioner. Thereafter, statement of the witnesses recorded, who stated that the petitioner was seen in suspicious condition during course of incident. Learned counsel further submits that nothing incriminating has been recovered from the person or possession of the petitioner during search. Though the CDR of the mobile number of the petitioner was taken out and tower location was found at the place of occurrence but the mobile phone of the petitioner was not seized. The petitioner is in custody since 25.05.2024 and charge-sheet has been submitted. The petitioner is having clean antecedent.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that witnesses examined during investigation stated about the petitioner was seen fleeing from the place of occurrence.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner to connect him with the offence as alleged and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is



directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate at Saharsa in connection with Mahishi P.S. Case No. 64 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 petitioner.
- (ii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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