

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89755 of 2024

Arising Out of PS. Case No.-251 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

1. Ishaque Alam @ Ishaque Son of Taiyab Alam @ Tayab Alam Resident of Bhagal Ward No. 09, P.S. - Kochadhaman, District - Kishanganj
2. Farzana Begum @ Farzana Praween @ Farzana Prina Daughter of Taiyab Alam @ Tayab Alam Resident of Bhagal Ward No. 09, P.S. - Kochadhaman, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mrs. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Kochadhaman P.S Case No. 251 of 2023 dated 23.10.2023 registered for the offence punishable u/s 302 of the Indian Penal Code.

3. As per the prosecution case, the son of the informant was murdered by some unknown miscreants. It is further alleged that some days ago, the co-accused, Chandani Begum used to talk on phone with the deceased for which some scuffle took place between Ishaque Alam and the deceased. The petitioner no. 1 also threatened to kill him. The informant



believed that his son was murdered by Ishaque Alam.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioner no. 2 is not named in the F.I.R. The name of the petitioner no. 2 has sprung up in the confessional statement of the co-accused, Chandani Begum. The other co-accused person has already been granted bail by this court *vide* order dated 26.10.2024 passed in Cr. Misc. No. 60687/2024. The petitioner no. 2 is a lady. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. The petitioner no. 1 is in custody since 12.11.2023 and the petitioner no. 2 is in custody since 29.10.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners. As per para. 47 and 63 of the case diary, the petitioners have accepted their guilt and confessed that they have conspired with the co-accused, Chandani Begum to commit murder of the deceased, Barsatu Karmakar. As per the post-mortem report, the cause of death is due to asphyxia and shock as a result of strangulation. As per the FIR, there is specific allegation against the petitioner who committed murder of the informant's son.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named i.e Farzana Begum @ Farzana Praween @ Farzana



Prina, is directed to be enlarged 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 learned Addl. Sessions Judge-III, Kishanganj in connection with Kochadhaman P.S Case No. 251 of 2023.

7. The application stands allowed with regard to the petitioner no. 2, namely, Farzana Begum @ Farzana Praween @ Farzana Prina.

8. So far as, the petitioner no. 1, namely, Ishaque Alam @ Ishaque is concerned, Considering the aforesaid facts and circumstances of the case as well as the finding substance in the contention of learned counsel for the State, this Court is not inclined to grant bail to the petitioner no. 1, namely, Ishaque Alam @ Ishaque and the same is rejected in connection with Kochadhaman P.S Case No. 251 of 2023, pending in the court of learned Addl. Sessions Judge-III, Kishanganj.

9. Accordingly, the application regarding the petitioner no. 1, namely, Ishaque Alam @ Ishaque stands rejected.

(Chandra Prakash Singh, J)

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