

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33920 of 2013

- =====
1. Jamshed @ Jamshed Alam S/o Late Kafiluddin Resident of Village- Juljuli, P.S- Kishanganj, District- Kishanganj.
 2. Zafar @ Zafar Ahamd S/o Late Kafiluddin Resident of Village- Juljuli, P.S- Kishanganj, District- Kishanganj.
 3. Jahangir @ Jahangir Alam @ Kalia S/o Late Kafiluddin Resident of Village- Juljuli, P.S- Kishanganj, District- Kishanganj.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 24-12-2013 Heard learned counsel for the petitioners and learned
Additional P.P. for the State.

The petitioners pray for anticipatory bail in a case under
Section 302 of the Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioners are not named in the F.I.R. which is recorded on the
basis of the fardbeyan of the father of the deceased against
unknown. It is submitted that there is absolutely no allegation
against these petitioners or even suspicion raised against them in
the fardbeyan recorded on 11.11.2012 or even subsequently and
much later after deliberation these petitioners who are the
adjoining raiyats of the pond of the deceased have been falsely
implicated by the statement made on 9.12.2012 by the wife of the
deceased and a few other witnesses. It is submitted that apart from
suspicion nothing concrete has come against these petitioners to at

all implicate them in the murder.

Learned Additional P.P. submits that in paragraphs 51 to 55 of the case diary the wife of the deceased and certain witnesses had spoken against these petitioners, all of whom are brothers, as also one of them, another brother, and charge-sheet has been submitted in this case by the police against all the four brothers. He, however, states that the statements recorded in the case diary are nearly four weeks after the filing of the F.I.R.

On a consideration of the facts and circumstances of the case, it is directed that the petitioners, namely, (1) Jamshed @ Jamshed Alam, (2) Zafar @ Zafar Ahmad and (3) Jahangir @ Jahangir Alam @ Kalia, in the event of their arrest or surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each in connection with Kishanganj P.S.Case No. 431 of 2012 to the satisfaction of the Chief Judicial Magistrate, Kishanganj subject to the other conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ramesh Kumar Datta, J)

spal/-