



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37451 of 2014

Arising Out of PS.Case No. -132 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

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Saif Alam @ Raju, son of Khurshid Alam, resident of Mohalla- Banglagarh
Fakiryana Naka No.2, P.S. L.N.M. University, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.39165 of 2014

Arising Out of PS.Case No. -132 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

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Jay Kumar @ Jay Mishra @ Ashwini Kumar Mishra S/o Subodh Mishra
Resident of Mohalla - Subhankarpur, Police Station - Darbhanga Town,
District - Darbhanga

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.39598 of 2014

Arising Out of PS.Case No. -132 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

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Sanjay Singh @ Bablu Son of Late Vijay Singh Resident of Mohalla -
Maulvi Sarfuddin Vaantganj, P.S. - Darbhanga Town, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.44782 of 2014

Arising Out of PS.Case No. -132 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

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Kundan Kumar @ Kundan Sonar S/o Shri Dinesh Thakur Resident of village- Chaknijamganj, Police Station- L.N.M. University, P.O.- Lalbag, District- Darbhanga

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.37451 of 2014)

For the Petitioner : Mr. Birendra Kumar Singh

For the Opposite Party : Mr. Umeshanand Pandit(App)

(In Cr.Misc. No.39165 of 2014)

For the Petitioner : Mr. Dr. Satyendra Kumar Srivastava

For the Opposite Party : Mr. Indu Kumari Srivastava (App)

(In Cr.Misc. No.39598 of 2014)

For the Petitioner : Mr. Naresh Chandra Verma

For the Opposite Party : Mr. Kalyan Shankar (App)

(In Cr.Misc. No.44782 of 2014)

For the Petitioner : Mr. Dr. Satyendra Kumar Srivastava

For the Opposite Party : Mr. Parmanand Pd.(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 25-03-2015 Heard learned counsel for the petitioners as well as learned counsel for the State.

All the above mentioned four Criminal Miscellaneous Applications arise out of the same police station case and as such have been heard together and are being disposed of by passing this common order.

In this application for anticipatory bail the petitioners in all the above mentioned Criminal Miscellaneous Applications apprehend their arrest for the offences punishable under sections 302/34 of the I.P.C and section 27 of the Arms Act.



As alleged in the F.I.R. brother of the informant after receiving phone call went to N.H.57 on 14.04.2014 at about 7.30 P.M. and after getting information the informant went there and found fire arm injury over the dead body of the deceased. The informant named petitioners Saif Alam @ Raju, Dilip Mahto, Kundan Sonar, petitioner Jai Kumar and some other unknown miscreants. The reason behind the occurrence is that on the said date the brother of the informant was not ready to execute the agreement in respect of his land in favour of the above named petitioners and therefore he was called and subsequently killed.

It has been submitted that the petitioner Sanjay Singh @ Bablu is not named in the F.I.R. Nothing has been recovered from possession of the petitioners. They have been falsely implicated in this case and they have got no criminal antecedents and there being no cogent material against the petitioners in the case diary. It is also submitted that co-accused Noor Alam and Babloo @ Md. Asrar Alam have been allowed regular bail and as such the petitioners deserve sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that in paragraph-6 of the case diary the informant has disclosed the names of accused petitioners and others stating that they were involved in



committing the murder of the deceased. Further in paragraph 10 of the case diary witness Md. Kaisar has disclosed the names of the petitioners and further, accused Noor Alam vide paragraph-58 of the case diary has confessed his guilt before the Police and one mobile phone was also recovered from his possession which was used in the commission of crime. The doctor has found ante-mortem fire arm injury over the dead body of the deceased. Paragraph-158 of the case diary goes to show that the petitioners were present at the scene of crime and they were in contact with that mobile. In paragraph 169 of the case diary one Md. Ijaj Ahmad has stated regarding presence of the petitioners at the scene of the crime and these petitioners have been declared absconder and accordingly charge-sheet has been submitted against them.

In the facts and circumstances as stated above, considering that the petitioners have been charge sheeted and there is allegation against them regarding their presence at the time of committing the crime and as such finding it not a fit case for pre-arrest bail the prayer for pre-arrest bail of all the petitioners stands rejected in connection with (Darbhanga) Sadar P.S. Case No. 132 of 2014/ G.R. No. 1092 of 2014 pending in the Court of C.J.M. Darbhanga.

However, in case and if so adviced the petitioners
surrender and seek regular bail, their prayer for regular bail shall
be considered on its own merits without being prejudiced by the
order of this Court.

(Jitendra Mohan Sharma, J)

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