

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48530 of 2014**

Arising out of PS.Case No. -57 Year- 2014 Thana -RAUTARA District- KATIHAR

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1. Md. Samed, S/O Late Kalimuddin.
  2. Md.Sultan, S/O Md. Samed. Both are residents of village-Uchitpur,P.S-Muffasil Ranipatra, Distt.-Purnea.
  3. Md.Naimul, S/O Belal, resident of vill- Dhangama, P.S-Rautara, Distt.-Katihar.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Ranjeet Kumar Singh, Advocate.  
For the Opposite Party : Mr. Renu Kumari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

4      20-05-2015                      Vide order dated 13.03.2015, anticipatory bail application of petitioner nos. 2 and 3 was disposed of.

The petitioner no. 1 is apprehending his arrest in connection with Rautara P.S. Case No. 57 of 2014, G.R. No. 2594 of 2014 for the offences instituted under Sections 302 and 201/34 of the I.P.C.

Heard learned counsel for the petitioner and the State.

The prosecution story, in brief, is that Amna Khatoon was missing and she was murdered by the petitioners on account of dispute over dealing in money and later on dead body was recovered which was concealed.

It has been submitted on behalf of the petitioner that the

present prosecution has been brought after a period of five days and for which no explanation has been made on behalf of the prosecution. It is further submitted that only suspicion has been raised against the petitioner and others. Further it has been submitted that the petitioner has no criminal antecedent.

On behalf of the State, it has been submitted that it is a case for the offence under Section 302 of the I.P.C.

Considering the fact that it is a case under Section 302 of the I.P.C., I am not inclined to grant anticipatory bail to the petitioner no. 1, Md. Samed, in connection with Rautara P.S. Case No. 57 of 2014, G.R. No. 2594 of 2014, pending in the court of the learned J.M. Ist Class, Katihar. Anyhow, if the petitioner no. 1 Md. Samed surrenders within a period of six weeks in the court below and moves for regular bail, the same shall be considered on its own merit without being prejudiced by this order. The court below may further consider the submissions made on behalf of petitioner no. 1 while considering the prayer for regular bail of the petitioner no. 1.

U.K./-

**(Sudhir Singh, J)**

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