

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24250 of 2018

Arising Out of PS.Case No. -8 Year- 2017 Thana -PURAINI District- MADHEPURA

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Md. Sameer @ Matwala S/o Md. Abbas, R/o Village- Makdampur, P.S.-
Puraini, Distt.- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Shashi Shekhar Kishore

For the Opposite Party/s : Mr. Sri Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 20-06-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The matter has been listed in view of the
administrative order of the Hon'ble the Chief Justice dated
15.05.2018 at Flag 'Y'.

The petitioner is apprehending his arrest in a
case registered for the offence punishable under Section 302 of
the Indian Penal Code.

The prosecution case based on the written
report of one Md. Taslim submitted to the Puraini Police Station
alleging that on 13.02.2017 at 1.00 A.M. in the night the nephew
of the informant Riyasi went to wake up the informant, found
that his grandson Md. Jiyaul was dead. The informant noticed



the neck of his grandson in swollen condition. The FIR was lodged against unknown, since the informant did not name any person. During investigation it got suggests that the petitioner and others had killed the grandson of the informant.

It is submitted by learned counsel for the petitioner that in the background of land dispute and enmity, the suspicion has been raised at the belated stage of the investigation and only on the basis of the suspicion the petitioner has been roped in the present case. The petitioner is accused in one other case in which he is on bail. Moreover, similarly situated co-accused Firoz Khan has been granted anticipatory bail by a coordinate Bench of this Court passed in Cr. Misc. No. 19876 of 2018, whereas co-accused Md. Atabul has been granted regular bail by a coordinate Bench of this court vide Cr. Misc. No. 27686 of 2018.

Learned APP after going through the case diary submits that the accusation is based on suspicion, however, does not dispute this fact that the similarly situated co-accused has been granted anticipatory bail.

Considering the fact that accusation is based on suspicion and co-accused has been granted bail, let the above named petitioner be released on anticipatory bail in the event of



arrest or surrender before the learned Court below within a period of twelve weeks from today, 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, Udakishunganj, Madhepura in connection with Puraini P.S. Case No. 08 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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