

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5068 of 2020

Arising Out of PS. Case No.-381 Year-2019 Thana- ARARIA District- Araria

1. MD. ARIF @ ARIF Son of Md. Mantoo @ Md. Mangtu Resident of Village - Pokharia tola, Madhopara, Ward No. 04, P.S.- Araria, (Bairgachhi), Distt - Araria.
2. Md. Jainuddin @ Jainuddin Son of Ishaque @ Isahaque Resident of Village - Sahmaura, P.S.- Sonbarsa, Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjana

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 28-05-2020 Heard Dr. Amarendra Kumar, learned counsel
for the petitioners.

The petitioners, who are in custody since 18.05.2019 and 26.08.2019 respectively, seek bail in connection with Araria (Bairgachhi), P. S. Case No. 381 of 2019, dated 17.05.2019, instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

In the F.I.R., the informant has alleged that he saw two unknown persons on the road and he grew suspicious. Later, when he went back to his residence,



he found his wife, son and daughter dead. They had been killed. The sister-in-law of the informant told him that the petitioners and others had killed the deceased and had also threatened of dire consequences in case the matter was reported.

Dr. Amarendra Kumar, learned counsel for the petitioners has submitted that though the petitioners have many cases to their credit but most of them have been lodged by the same informant or his associates.

Apart from this, it has been submitted that there is a long pending civil dispute between the petitioners and the informant and, therefore, they have been falsely implicated in this case.

Lastly, it has been submitted that the sister-in-law of the informant, who actually disclosed the name of the petitioners as assailants, has also not specifically stated about any overt act played by the petitioners. Her statement is merely indicative of the fact that the petitioners had entered the house of the informant.



Another factual aspect which was brought to the notice of the Court by the learned counsel for the petitioners is that the informant has other children from her former wife and it is because of the intra family dispute, that the murder had taken place and taking advantage this situation, they have been made accused in this case.

However, considering the fact that four persons have been killed in cold blood and the petitioners have been named by the sister-in-law, who claims to be an eye-witness to the occurrence, I am not inclined to grant bail to the petitioners for the present.

The bail petition is dismissed.

(Ashutosh Kumar, J)

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