

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6090 of 2020**

Arising Out of PS. Case No.-283 Year-2019 Thana- JHAJHA District- Jamui

MATIN KHAN @ MATIUZAMA KHAN S/o Rahman Khan R/o village-
Jhajha, P.S.- Jhajha, District- Jamui

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi,Advocate

For the Informant : Mr Alok Kumar,Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 08-07-2020 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner in the present case is seeking anticipatory
bail in connection with Jhajha P.S. Case No. 283 of 2019
registered for the offences punishable under Sections 302, 201,
120(B)/34 of the Indian Penal Code and 27 Arms Act.

Learned counsel for the petitioner has submitted before
this Court that although in the case diary police has recorded that
this petitioner has got a criminal history and he has six cases on his
head but those are not correct and in fact the petitioner is only
involved in Jhajha P.S. Case No. 154 of 2013.

It is his further submission that the petitioner has been
falsely implicated in this case. According to him, the seizure list
shows dead body was recovered from railway line and the cloth of



the deceased was also recovered from the same place. His submission is that the implication of this petitioner in the present case is on mere suspicion.

On the other hand, learned APP for the State as also learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner. It is submitted that in fact in order to take revenge of the death of his son in which he suspected a close relation of the deceased involved, the deceased was called by the son of the present petitioner from his mobile phone on 18.09.2019 at around 06:00 P.M. and thereafter he was murdered.

It has further been submitted that the dead body has been recovered from the bush behind the workshop of the petitioner's family and even the cloth has been recovered from the almirah kept in the house and, therefore, there are strong materials to suggest that the petitioner and the other co-accused hatched a conspiracy and thereunder the brother of the informant was murdered.

Having regard to the facts and circumstances of the case, considering the nature of materials present on the record and in the case diary suggesting that the co-accused Mannu Khan who is the son of the petitioner had called the deceased on his mobile on 18.09.2019 and thereafter his dead body was recovered behind workshop of the petitioner's family from a bush situated near



railway line and then the cloth (lungi) was recovered allegedly from the almirah in the house of the petitioner, in the case diary there being a recording of criminal history of this petitioner in paragraph '53', this Court is not inclined to grant privilege of anticipatory bail to the petitioner. The prayer for anticipatory bail is, thus, refused.

In case the petitioner surrenders or prays for regular bail before the learned court below within four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the present order of this Court.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

