

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7148 of 2020

Arising Out of PS. Case No.-274 Year-2018 Thana- JOKIHAT District- Araria

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ARIF Son of Gayas Resident of Village - Jogindar, P.S.- Mahalgaon, District-
Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar, Adv.

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 08-07-2020 The matter has been listed today for consideration through
Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for State.

Petitioner apprehends arrest in connection with Jokihat (Mahalgaon) P.S. Case No. 274 of 2018, instituted for the offence under Section(s) 302 and 201/34 of the Indian Penal Code.

The FIR alleges that husband of the informant, namely, Awesh Rahi left his house on 11.09.2018. He did not return. On 12.09.2018, his dead body was found lying in the field head less. Suspicion has been raised against co-villager, namely, Md. Rabesh



that he along with his associates has committed the murder based on some pending money dispute.

Petitioner's counsel submits that on the basis of CDR of apprehended co-accused Ram Chandra Sahani, who confessed his guilty before the police, eight persons have, subsequently, been roped in the instant case. With regard to petitioner, one of the co-accused, namely Naushad (brother in law of the petitioner), in his statement, has stated that he had parked the motorcycle in the petitioner's house and on such basis the petitioner has been implicated in the instant case and is apprehending his arrest. It is further submitted that co-accused Md. Rabesh @ Rabe Hasan @ Md. Rabe Hasan, who is FIR named accused and against whom the informant has raised suspicion, has been allowed bail in Cr. Misc. no. 60664 of 2019. The recovery of motorcycle of the deceased from the petitioner's house even as per statement of the brother-in-law, namely, Naushad is because the same was parked by Naushad, the petitioner has no concern, whatsoever, with the alleged motorcycle. Petitioner has no criminal antecedent.

The learned APP for the State opposed the prayer for bail by submitting that the motorcycle of the deceased was parked on the petitioner's house.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the court below, within four



(04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM, Araria, in connection with Jokihat (Mahalgaon) P.S. Case No. 274 of 2018, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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