

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12333 of 2020

Arising Out of PS. Case No.-372 Year-2012 Thana- CIVIL LINE District- Gaya

1. MD. ANISUR RAHMAN @ ANISUR RAHMAN Son of Late Reyazuddin Resident of Mohalla- Durgabari, Rickshaw Garage, P.S.- Civil Line, District- Gaya.
2. Md. Nehal @ Nehal Ahmad @ Nehal Son of Md. Anisur Rahman @ Anisur Rahman Resident of Mohalla- Durgabari, Rickshaw Garage, P.S.- Civil Line, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tabish Sharfuddin, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-07-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in **Civil Line P.S. Case No. 372 of 2012**, registered for the offences punishable under Sections 302, 406 and 34 of the Indian Penal Code.

Prosecution case in brief is that husband of the informant was a rickshaw puller. Petitioners are father and son who owned a rickshaw garage. The informant's husband



(deceased) had taken rickshaw on hire from the petitioners. The deceased used to deposit Rs. 100/- per day with the petitioners for construction of his own house. The money accumulated to the extent of Rs. 20,000/-. The deceased along with his son went to the petitioners and demanded his money, but the petitioners instead of giving money, badly assaulted him and confined him. Petitioners also ousted his son. In the next morning, the informant came to know that the petitioners had committed murder of her husband by throwing from the roof and the dead-body was sent for the postmortem.

It is submitted that petitioners have been falsely implicated in this case merely on suspicion. There is no eye-witness of the occurrence. There is delay of six months in lodging the FIR, for which no plausible explanation has been given. Moreover, the police after investigation submitted final form and found the accusation false against the petitioners. Petitioner no. 1 has also filed a case against Md. Shibu for the same occurrence bearing Civil Line P.S. Case No. 137 of 2012 and after completion of investigation, chargesheet has already been submitted in this case. Petitioners have got no criminal antecedent.

Considering the facts aforesaid, the petitioners above-



named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **Judicial Magistrate Ist Class, Gaya** in connection with **Civil Line P.S. Case No. 372 of 2012**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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