

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16623 of 2020

Arising Out of PS. Case No.-411 Year-2019 Thana- JOKIHAT District- Araria

1. UMAR @ MD. UMAR Son of Late Taslim Ahmad @ Taslim Resident of Village - Taran Tola Tamat, P.S.- Jokihat, District- Araria
2. Nasim @ Md. Nasim Son of Aklim Resident of Village - Taran Tola Tamat, P.S.- Jokihat, District- Araria
3. Md. Sufiyan Son of Suleman Resident of Village - Taran Tola Tamat, P.S.- Jokihat, District- Araria
4. Saood Son of Sakil Resident of Village - Taran Tola Tamat, P.S.- Jokihat, District- Araria
5. Naiyar @ Md. Naeyar Alam Son of Late Nazam Resident of Village - Taran Tola Tamat, P.S.- Jokihat, District- Araria

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mrs. Babita Kumari

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-09-2020 This case has been heard through video-conferencing.

Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in Jokihat P.S. case No. 411 of 2019 registered for the offences punishable under Sections 302, 201 & 120 B of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, Araria.

The prosecution case, in nut shell, is that on 24.11.2019 at 7:30 PM, the younger son of the informant, as



usual, after taking meal was going to sleep at the shop by bicycle from the house. Her elder son Raju had gone to Kamat Chowk and she called him to come to house because Rashid is going to Kamat Chowk with bicycle. After sometime, her elder son came to house and told that in the way Rashid has not met him and it appears that he may have reached at shop. She further alleged that in way Md. Umar, Md. Nasim, Md. Azim, Saood, Naiyar, Abubakar, Sufiyan, Suleman were seen fleeing towards their house rapidly. In the morning at 6 AM hull was raised that near bamboo clump a dead body was lying. Hearing the same, she along with her family members went there saw and identified the dead body as her son Rashid whose neck has been cut. The reason behind the occurrence is said to be land dispute between the parties.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to land dispute and dirty village politics. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that from the first information report as well as from the impugned order, it does not appear that any one has seen the petitioners either in the



company of the deceased or committing any overt act. No incriminating article has been recovered from the house of the petitioners or their conscious physical possession.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail.

Considering the facts and circumstances of case and perusing the case diary as well as the case record, it appears that the processes under Sections 82 & 83 of the Cr.P.C. has already been completed, hence the present petition for anticipatory bail has now become infructuous. Accordingly, this application is dismissed as infructuous.

However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

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