

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33046 of 2020

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

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1. ABUBAKAR son of Nezam R/o Village- Taran, Tola Kamat, P.S.- Jokihat, District- Araria, Bihar.
 2. SULEMAN son of Late Sattar R/o Village- Taran, Tola Kamat, P.S.- Jokihat, District- Araria, Bihar.
 3. MD AZIM s/o Aklim R/o Village- Taran, Tola Kamat, P.S.- Jokihat, District- Araria, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asfar Alam, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 15-12-2020 In view of the submission and the undertaking of the learned counsel for the petitioners, at the time of hearing of this application through video conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 04.12.2020, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners seek bail in connection with Jokihat P.S. Case No. 411 of 2019, registered under Sections



302, 201 and 120B of the Indian Penal Code.

The accusation is that Rshid, aged about 13 years, son of informant Bibi Nasrin, after taking dinner in the late evening on 24.11.2019 proceeded for Kamat chowk at his shop for sleeping, thereafter, her elder son Raju returned to house then she made query about reaching of Rashid then he replied that Rashid has not met with him in the way, but, he said that Rashid might have reached there. Thereafter, her elder son also disclosed that in the way, eight persons named in the F.I.R. including the petitioners were seen in fleeing condition towards their house. In the morning rumour spread about lying of dead body of a boy in bamboo clamp in the village then she reached there and saw the dead body of her son Rashid sustaining cut injury with pool of blood. Since, the litigation is going on regarding land in between her husband and the F.I.R. named accused due to that reasons, they committed murder of her younger son Rashid, under conspiracy, and threw the dead body in the bamboo clamp.



Submissions is that the petitioners have falsely been implicated in this case mere on suspicion due to land dispute. On investigation, the Police has submitted Chargesheet, but no one has claimed to be eye witness of the occurrence. Further submission is that petitioners Nos. 1 and 2 are in custody since 26.11.2019 and petitioner No.3 is in custody since 27.11.2019.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 411 of 2019.

(Rajendra Kumar Mishra, J)

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