

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84916 of 2019

Arising Out of PS. Case No.-362 Year-2014 Thana- JOKIHAT District- Araria

-
1. MUSTAN @ MASTAN @ AFROZ Son of Safique, Resident of Village - Sisauna, P.S.- Jokihat, Distt.- Araria.
 2. Naushad Son of Safique, Resident of Village - Sisauna, P.S.- Jokihat, Distt.- Araria.
 3. Chunwa Son of Deru, Resident of Village - Sisauna, P.S.- Jokihat, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv.
For the Opposite Party/s : Mr.Jagdhari Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 26-06-2020 Heard both sides through Video Conferencing.

The petitioners apprehend their arrest in Jokihat P.S.
Case No.362 of 2014 registered under Sections 302, 201 and 34
of the Indian Penal Code.

The informant (widow of the deceased) lodged the
case against unknown alleging that her husband had gone
towards Chowk at about 7:00 in the evening but did not return.
On the next day, the dead body of the husband of the informant
was found. His neck and wrist were severely cut.

Learned counsel for the petitioners submits that the
F.I.R. was lodged against unknown. Only material against the



petitioners is that the names of the petitioners surfaced in the case in the confessional statement of co-accused Md. Qaiser. The petitioners have got criminal antecedent but in all other cases the names of the petitioners figured in the case in the confessional statement. Save and except the confession of Md. Qaiser, the Investigating Officer did not collect any tangible material against the petitioners. Md. Taiyab has already been granted regular bail vide order passed in Cr.Misc.No.12267 of 2015. The case of the petitioners stands on better footing.

Of course, it appears that the petitioners are not named in the F.I.R. but during the course of investigation, it transpires that one Md. Taiyab disclosed that during the course of taking wine, he picked up quarrel with the deceased and later on Md. Qaiser confessed his guilt and disclosed that they including the petitioners killed the deceased by cutting his neck.

Having considered the facts aforesaid and the nature of allegations made against the petitioners and the fact that the petitioners have got criminal antecedent, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below, the learned court below shall consider the prayer for regular bail of



the petitioners without being prejudiced from the order of this court and taking into consideration that Md. Taiyab has been granted bail and dispose of the regular bail petition of the petitioners preferably on the same day.

(Prabhat Kumar Jha, J)

Harish/-

U		T	
---	--	---	--

