

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33498 of 2020

Arising Out of PS. Case No.-67 Year-2018 Thana- CHACKMEHSI District- Samastipur

Md. Hakim @ Md. Haqim, S/o Late Md. Saphik, R/O village- Basuari
(Baswari), Ward No. 2, P.O.- Saidpur, P.S.- Chakmehsi, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zeyaul Hoda, Advocate.

For the Opposite Party/s : Mr. Promod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 16-07-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection
with Chakmehsi P.S. Case No. 67 of 2018, registered under
Sections 302 and 120(B)/34 of the Indian Penal Code.

The accusation is that in between informant, Md.
Firoj and Md. Hakim (petitioner), land dispute was going on.
Before 15 days, Panchayati was arranged in village, in which,
Md. Gafar, Shashi Bhushan, Md. Hakim (petitioner) and his
three sons had given threatening to the informant and his family
members for dire consequences for vacate the land. On
25.06.2018, at about 8 P.M., his brother, Ali Raja, was coming
to his house from Saidpur Hat then in the way, Md. Hakum



(petitioner), his three sons, namely, Md. Nasim, Md. Shamim and Md. Wasim along with Shashi Bhushan Thakur, Md. Gaffar, Md. Taslim and Md. Abdullah caught hold him and cut the neck by sharp cutting weapons, in which, his brother, Ali Raja, fell down on the ground and died. When the informant, Md. Firoj, received information then he along with his family members reached there then found his brother, Md Ali Raja, died. Before two days also, two unknown persons had come to his house and giving threatening of dire consequence.

Learned counsel for the petitioner submits that, in fact, neither the informant nor his family members and others had seen the occurrence and after knowing about the death of Md. Ali Raj, brother of the informant, informant lodged the present case, only raising suspicion against the petitioner and his three sons due to land dispute. Further submission is that while at the time of rejecting of pre-arrest bail of the petitioner, the learned Sessions Judge has detailed about the paragraphs 9 and 74 of the case diary but in paragraph 9, mother of the deceased has also raised suspicion against the petitioner and his three sons having hand in the murder of her son and similarly, in paragraph 74, the witness has only stated about the land dispute in between the petitioner and the informant and that witness has also



detailed that when the rumor spread about lying the dead body of the brother of the informant, petitioner and his three sons were present at the door of Gulam Tahir, whose statement is also detailed in paragraph 73 of the case diary, except suspicion, nothing has been collected by the Investigating Officer in course of investigation. Further submission is that on investigation, the police submitted final form but the learned trial court differing with the final form took cognizance against the petitioner and his three sons. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Samastipur, in connection with Chakmehsi P.S. Case No. 67 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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