

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31164 of 2021

Arising Out of PS. Case No.-274 Year-2018 Thana- JOKIHAT District- Araria

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1. BECHAN @ MD MUBARAK @ MOBARAK S/o Md. Faruque Resident of Village- Koshkipur, Tola - Laxmipur, P.S.- Araria, District- Araria.
 2. Md. Ashique S/o Md. Anwar Alam Resident of Village- Koshkipur, Tola- Laxmipur, P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2022 Heard learned counsel for the petitioners and learned APP for the State through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

Petitioners apprehend their arrest in Jokihat (Mahalgaon) P.S. Case No.274 of 2018, registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. The petitioners are not named in the FIR. On the



basis of confessional statement of co-accused, the petitioners have been made accused in this case. No incriminating article has been recovered from possession of the petitioners. It is further submitted that on the disclosure of the co-accused, the police recovered clothes of the deceased from the house of co-accused, Akbar and his motorcycle from the house of co-accused, Arif, the brother-in-law of co-accused, Naushad and a Dabia used in commission of murder of deceased from the house of co-accused, Ramchandra Sahni. It is also submitted that similarly situated other co-accused persons have already been granted anticipatory bail vide Cr. Misc. No.24607 of 2020, dated 07.10.2020. Co-accused, Arif has also been granted bail from whose house motorcycle of the deceased has been recovered vide Cr. Misc. No.7148 of 2020, dated 08.07.2020 by a co-ordinate Bench of this Court.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Taking into consideration the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the learned court below within six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria



in connection with Jokihat (Mahalgaon) P.S. Case No.274 of 2018,
subject to the conditions laid down under Section 438(2) of the
Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

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