

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40423 of 2021**

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

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MERAJ @ MERAJ ANWAR @ MERAJ ANWER Son of Yahiya Resident of
Village- Manikpur Tola Charghaniya Laxmipur Ward No.07, Police Station-
Araria (Baigachhi), District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 12-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Jokihat (Mahalgaon) P.S. Case No. 274 of 2018 registered for
the offences punishable under Sections 302 and 201/34 of the
Indian Penal Code 1860.

The allegation in nutshell is that the husband of the
informant had left his house saying that he would be returning
in two hours, but did not return. It is further alleged that on
13.9.2018, his headless body was found in the field. The
informant has raised suspicion against the co-accused Md.
Rabesh stating that the deceased had some dispute with Md.
Rabesh relating to money.



Learned counsel for the petitioner submits that the petitioner has been implicated in this case on the basis of confessional statement of co-accused Naushad and except the confessional statement no other evidence is there against the petitioner to connect him with the present offence. He further submits that co-accused Naushad @ Md. Naushad, Md. Rabesh @ Rabe Hasan @ Md. Rabe Hasan and Md. Afzal @ Afzal have been granted bail by co-ordinate Benches of this Court in Cr. Misc. 6898 of 2019, 60664 of 2019 and 24607 of 2020 respectively. The petitioner is in custody since 18.3.2021 and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that similarly situated co-accused persons have been granted bail by co-ordinate Benches of this Court and the petitioner is in custody since 18.3.2021, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) 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 following conditions:-

(i) that the bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(ii) that petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(iii) that if the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Anil Kumar Sinha, J)

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