

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51532 of 2021

Arising Out of PS. Case No.-16 Year-2021 Thana- BHAIKAVSHTHAN District- Madhubani

MD. JAHID SON OF MD. NURHASAN R/O VILLAGE-
MURADPURDULLAH, P.S.- AHIYAPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-05-2022 Heard the parties.

Petitioner seeks regular bail in connection with Bhairav Asthan PS Case No. 16 of 2021 registered for the offence under Sections 302 / 201 of the IPC.

As per the prosecution case on 15-02-2021 at about 8.00 P.M. the nephew of the informant got down from a train and informed his son that he would be coming to home by *Auto* but he did not reach his house. Next morning i.e. on 16-02-2021 dead body of the informant's nephew was found lying by the side of the road.

Learned counsel for the petitioner submits that petitioner has not committed any offence as alleged and he has been made accused on the basis of confessional statement of the co-accused Md. Akbar. He next submits that even if for the sake



of argument the statement of the co-accused is taken on its face value the same does not connect the petitioner with the present offence inasmuch as in his statement Md. Akbar has stated that there were two cars, one in which Md. Akbar, Md. Kaisar and one Binod Das were sitting along with the deceased and in another car the petitioner was travelling along with Lal Babu. The co-accused has also disclosed that they administered intoxicated tea to the deceased and snatched his belongings and assaulted him on his head by means of iron rod due to which he died. He further stated that thereafter Jahid i.e. the petitioner was informed on his phone and they joined together while returning back. Therefore, submission is that no overt act has been alleged against the petitioner in the confessional statement of the co-accused. The car which was allegedly recovered from the house of the petitioner is owned by the petitioner inasmuch as admittedly two cars were there as per confessional statement and investigation report and one car used in the actual offence was recovered from the house of Binod Das not of the petitioner. The petitioner is in custody since 26-02-2021.

Regard being had to the submissions made by the parties, taking into consideration the fact that even in the confessional statement of the co-accused / Md. Akbar it has



come that petitioner was not sitting in the car in which the deceased was killed, the petitioner is in custody since 26/02/2021 and charge sheet has already been submitted, as such, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Jhanjharpur, District-Madhubani in connection with Bhairav Asthan PS Case No. 16 of 2021 on the following condition:-

(a) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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