

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63508 of 2021**

Arising Out of PS. Case No.-44 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

MD. AKBAR Son of Abdul Rahman Resident of Village- Sharfuddinpur, P.S.-
Bochaha, District- Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69314 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

MD JAHID Son of Md. Nur Hasan Resident of Village - Muradpur Dullah,
P.S.- Ahiyapur, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63508 of 2021)

For the Petitioner/s : Mr.Majid Mahboob Khan

For the Opposite Party/s : Mr.Rajendra Prasad Nat

(In CRIMINAL MISCELLANEOUS No. 69314 of 2021)

For the Petitioner/s : Mr.Mritunjay Kumar Singh

For the Opposite Party/s : Mr.Uday Chand Prasad

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 12-04-2022 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State, in both the

cases.

The petitioners seek regular bail in connection with

Town Police Station Case No. 44 of 2021, registered for the

offence punishable under Sections 365/392/201/34 of the Indian



Penal Code.

The allegation, in nut shell, is that the son-in-law of the informant alighted from a train at Madhubani Railway Station and took a tempo. He talked to the daughter of the informant and just after five minutes, the mobile of the son-in-law of the informant did not respond and after few days the dead body of the son-in-law of the informant, namely, Suresh Rai, was found near a pond.

Learned Counsel for the petitioner, Md. Akbar, submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case merely on the basis of the confessional statement of the petitioner Md. Akbar, recorded in paragraph 68 of the case diary, and insofar as the recovery of the mobile phone from co-accused Md. Taiyab is concerned, the same has not been recovered based upon the confessional statement of the petitioner Md. Akbar, the police, on the basis of the C.D.R., arrested co-accused Md. Taiyab and recovered the mobile of the deceased from his possession and thereafter the confessional statement of the petitioner Md. Akbar has been recorded in which the petitioner Md. Akbar has allegedly stated that the mobile phone of the deceased was sold to co-accused Md.



Taiyab. He further submits that except the confessional statement of the petitioner, no cogent evidence has been collected by the police during the course of investigation. He further submits that the petitioner has been remanded in this case from Bhairav Asthan Police Station Case No. 16 of 2021 on 22.07.2021 and charge sheet has been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Learned Counsel for the petitioner Md. Jahid submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case merely on the basis of the confessional statement of the petitioner Md. Akbar, recorded in paragraph 68 of the case diary and except the said confessional statement, there is no other material to connect the petitioner Md. Jihad with the present offence. He further submits that the petitioner is in custody since 22.07.2021 and charge sheet has been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials available on record and the fact that similarly situated co-accused Md. Taiyab has been



granted bail by this Court, the petitioner Md. Akbar has been implicated in this case on the basis of the statement of co-accused Md. Taiyab and petitioner Md. Jahid has been implicated in this case on the basis of the confessional statement of petitioner Md. Akbar, charge sheet has been submitted against them and they are in custody since 22.07.2021, I am inclined to grant regular bail to the petitioners.

These applications are, accordingly, allowed.

Let the petitioners, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani, in connection with Town Police Station Case No. 44 of 2021.

This is subject to the condition that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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