

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.557 of 2022

Arising Out of PS. Case No.-84 Year-2019 Thana- SONBERSA District- Sitamarhi

1. Md. Afroj Sah, Son Of Md. Izharul Sah Resident Of Village- Mahuliya, P.S.- Sonbersa, District- Sitamarhi.
2. Md. Jafroj Sah, Son Of Md. Izharul Sah Resident Of Village- Mahuliya, Police Station- Sonbersa, District- Sitamarhi.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-08-2022 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 302, 201, 120B/ 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the petitioners presently are 21 and 22 years of age respectively and when the occurrence was committed, at that point of time, they were studying. The learned counsel next submits that informant alleges that his minor son aged about 12 years went to buy biscuit from Jamaluddin grocery shop, when he did not return after half an hour, informant went to inquire when he was informed his son had come in the shop, but left after purchasing biscuits. The informant thereafter returned to his home did not find his son at home. It is next alleged that the informant while going to the shop and coming back noticed that the



accused persons including the petitioners were moving the house of Md. Sahab on a street and when the informant inquired from them about his son, they did not give any satisfactory reply. Thereafter it is alleged that local people gathered and everyone started searching the son of the informant, but they did not find him and in night at 9.30 P.M. from a mosque in the neighbourhood an announcement was made for searching the informant's son. It is next alleged that even at 1.30 A.M., the accused persons were seen moving around the house of the informant on a street. It is next alleged that on basis of suspicion, the informant along with other villagers inquired from petitioner no.1 and three other accused persons including the petitioner no.2 about his son when they admitted that they had kill the informant's son by slitting his throat and had thrown the dead body in an under construction pond and has covered it with sand. Accordingly, it is alleged that the police was informed and the dead body was recovered by the police.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that out of eight accused persons, two were declared juvenile and four have been acquitted in trial. It is also submitted that informant later realizing her mistake in the trial deposed that the case was filed under mistaken belief. It is further submitted that the petitioners are young boys and students and if they re denied the privilege of anticipatory bail, their entire career would be



jeopardized, admittedly, the informant has not supported the case and four similarly situated co-accused have been acquitted.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sonbarsa P. S. Case No.84 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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