

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7489 of 2023

Arising Out of PS. Case No.-732 Year-2022 Thana- FORBESGANJ District- Araria

1. MD. QYAM S/O MOHMMAD R/v- Rampur Dakshin, Ward No. 03, P.S.- Forbesganj, District- Araria
2. MD. KURBAN @ KURBAN S/O MD. ABDUL @ FEKAN R/v- Rampur Dakshin, Ward No. 03, P.S.- Forbesganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered
for the offences punishable under Sections 302/34 of the Indian
Penal Code.

Allegedly, having conspiracy, petitioners along with other
accused persons, committed murder of the informant's son by
drowning him in the canal.

It is submitted by learned counsel for the petitioners that
petitioners are quite innocent and have committed no offence.
No such occurrence as alleged ever took place. Petitioners have
been falsely implicated in this case due to dirty village politics.



The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The only allegation against petitioner no.1 is that he called the deceased through his mobile phone. The petitioners have not committed the murder of the informant's son. No any external injury was found over the body of the deceased. There is no eye-witness in the present case. They have been made accused in the present case merely on the basis of suspicion. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail.

Considering the facts and circumstances of case as well as nature of the offence, as from perusal of the case diary, it appears that petitioners were also involved in the alleged occurrence, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

(Anjani Kumar Sharan, J)

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