

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24162 of 2023

Arising Out of PS. Case No.-726 Year-2022 Thana- ARARIA District- Araria

1. MAJRUL HAQUE @ MAJROOL @ MD. MAJHARUL HAQUE Son of Saiyad Hasan Resident of Ward No.- 14, Gaiyari, P.S. and District - Araria.
2. Rahamtulla @ Rahamtulla Sheikh @ Rahmatullah Sheikh Son of Yasin Resident of Barbana, Dehti, P.S. and District - Araria.
3. Raja @ Md. Asif Quamer @ Md. Asif Qamar Son of Shayaque Ahmad Resident of Jama Masjid Tola, Gaiyari, Ward No.- 09, P.S. and District - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Adv Mr. Ranjeet Choubey, Adv
For the Opposite Party/s :		Mr. Brajendra Nath Pandey, APP Mr. Nafisuzzoha, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-08-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 302 and other allied Sections of the Indian Penal Code.

3. The allegation against the petitioners is that they along with other co-accused persons killed the son of the informant on account of enmity.

4. It is submitted by learned senior counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this



case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. There is no eye evidence to the alleged occurrence and the petitioners have been made accused in the present case merely on the basis of intuition. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. It is submitted by learned counsel for the petitioner that the petitioner no.1 has suppressed his criminal antecedent. The petitioner no.1 has following criminal antecedents : (i) Araria P.S. Case No.638 of 2022, (ii) Araria P.S. Case No.443 of 2022 and (iii) Trial No.16 of 2020.

6. Having regard to the facts and circumstances of the case as there is general and omnibus allegation against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor



Court in connection with Araria P.S. Case No.726 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, learned Court below is directed to verify the criminal antecedent of the petitioner no.1, before accepting his bail bond. If it is found that the petitioner no.1 has criminal antecedent, then his bail bond shall not be accepted.

(Anjani Kumar Sharan, J)

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