

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22572 of 2023

Arising Out of PS. Case No.-635 Year-2022 Thana- JOKIHAT District- Araria

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1. Kuddus @ Abdul Kuddus Son Of Late Majebul @ Najbul R/O Village- Karbola Ward No.09, P.S.- Jokihat, District- Araria
 2. Shaukat @ Sakat Alam Son Of Tanjo @ Behra R/O Village- Karbola Ward No.09, P.S.- Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Ziaul Quamar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-08-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

2. The petitioners seek bail in connection with Jokihat
P.S. Case No. 635 of 2022 registered for the offence under
Sections 302, 504, 506/34 of the Indian Penal Code.

3. The accused/petitioners are not named in the F.I.R.
and are in custody since 23.12.2022.

4. The allegation against the petitioners is to commit
murder of father of informant alongwith other named co-
accused persons by assaulting with knife, where occurrence
arises out of previous enmities and threat.

5. Learned counsel appearing on behalf of the



petitioners submitted that informant is not the eye witness of the occurrence and entire implication is based upon suspicion, where nothing surfaced during the course of investigation as to connect petitioners, *prima facie*, with present occurrence of murder. It is further submitted that similarly situated co-accused persons, namely, Md. Kasim, Aale, Nayeem and Ahrar have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 24696 of 2023 vide order dated 13.07.2023. While concluding the argument, it has been submitted that both petitioners are men of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except suspicion, where informant is not the eye witness of the occurrence, nothing incriminating surfaced during the course of investigation as to connect petitioners, *prima facie*, with the present occurrence of murder coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 23.12.2022, accordingly, both the petitioners, above



named, are directed to be released on bail in connection with Joki hat P.S. Case No. 635 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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