

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26947 of 2023

Arising Out of PS. Case No.-138 Year-2022 Thana- JOKIHAT District- Araria

MOBIN @ MOBIN ALAM S/o Taslim R/o Tatma Tola, Sherlangha, Ward
No. 14, Kakan, P.S.-Jokihat, Dist.-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that his son (10 years old) after having lunch had gone to play with children on 16.03.2022 at 3:00 pm, when Mubarak came and threatened the informant that he will kill his son as he has tore the net of his field, it is next alleged that thereafter the informant went to look for his son but he was not found and on search, the children who were playing with him disclosed that Mubarak along with the petitioner came on a motorcycle and



took his son, it is next alleged that the dead body of his son was found the next day in a maize field.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the petitioner was not even present at the place of occurrence on the date of the occurrence as he was at Bagdogra Airport and in support of the same, he relies on Annexure-2 i.e. the air ticket, it is also submitted that even the GPS location of his mobile is of Bagdogra including the roaming message alert, as such his mother made an application to the Superintendent of Police, Araria to investigate the case in its correct perspective so that an innocent person is not implicated. Learned counsel further submits that Mubarak got regular bail after framing of charge by order dated 04.01.2023 in Cr. Misc. No. 69796 of 2022 (Annexure-3), it is further submitted that no doubt Mubarak has been granted privilege of regular bail after framing of charge but then the investigation against the petitioner is still pending and the petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) 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 Jokihat P.S. Case No. 138 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when required, the learned trial court shall be at liberty to cancel his bail bonds after recording reasons.

It is further made clear that in the event if charge-sheet is submitted against the petitioner connecting him with the offence then in that event, the present order granting anticipatory bail to the petitioner shall lose its effect.



Let a copy of this order be sent to the concerned
police station through the learned trial court.

(Satyavrat Verma, J)

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