

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32891 of 2023

Arising Out of PS. Case No.-875 Year-2019 Thana- SARAIYA District- Muzaffarpur

MD. MAHBOOB MIYA @ MD. MAHBOOB KHAN @ MD. MAHBOOB
Son of Md. Salim Resident of Mohalla - Bara Jagarnath, Near Shanti Niketan
School, P.O.- B. Factory, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302 and 120(B)/34 of the Indian Penal Code pending in the learned court below.

3. Allegation against the petitioner is that he along with other co-accused persons entered into the house of the informant and starting assaulting the informant and his family members and also looted cash. In this present occurrence, during the treatment father and brother of the informant died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioner. He submits that there is no specific overt act against the petitioner. He further submits that



there is specific allegation of assaulting the father and brother of the informant is against the co-accused, namely, Md. Alam. He submits that similarly situated other co-accused persons have already been granted bail by a bench of this Court vide order dated 03.03.2022 passed in Cr. Misc. No. 19005/2021. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes for prayer for bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Saraiya P.S. Case No.875/2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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