

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55512 of 2023

Arising Out of PS. Case No.-476 Year-2022 Thana- JOKIHAT District- Araria

RAFIQUE @ MD. RAFIQUE son of Md. Khalil Village- Hariabara Ward no-9, Ps Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in a case instituted for the offence under Sections 302, 201/34 of the Indian Penal Code.

It is a case of commission of murder to the informant's nephew, namely, Gulrej, who was a truck driver. He after loading consignment was moving from Mumbai to Guwahati along with the present accused Khalid. Later, when he tried to contact his nephew, his mobile was switched off and thereafter he contacted the Khalid (khalasi) who informed that he dropped him near his house.



It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Consignment was intact so it cannot be a case of loot. Petitioner is not named in the FIR. Merely on surmises and conjectures, the present case has been lodged. No one is the eye witness of the alleged occurrence. Only on the basis of suspicion, the name of the petitioner dragged in the present case. During investigation, no consistent material has come against the petitioner to show his involvement in the present case. Similarly situated other accused person, namely, Khalid (khalasi) has already been enlarged on bail by another coordinate Bench of this Court vide order dated 21.7.2023 passed in Cr. Misc. No. 40675 of 2023. Petitioner has got no criminal antecedent and languishing in judicial custody since 19.5.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on



furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
with two sureties of the like amount each to the satisfaction
of the learned CJM, Araria in connection with Jokihat P.S.
Case No. 476 of 2022.

(Sunil Kumar Panwar, J)

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