

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60583 of 2022

Arising Out of PS. Case No.-379 Year-2021 Thana- JOKIHAT District- Araria

1. WASIQUE @ MD. WASIQUE Son of Late Salim @ Hari Resident of village- Chainpur, Hasimtola, P.S- Jokihat (Mahalgaon), District- Araria
2. Hasim Son of Late Salim @ Hasim Resident of village- Chainpur, Hasimtola, P.S- Jokihat (Mahalgaon), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail in connection with Jokihat
(Mahalgaon) P.S. Case No. 379/2021 registered for the offences
punishable under Sections 302, 201, 120(B) and 34 of the I.P.C.

According to prosecution case, the informant alleged
that her daughter-in-law confessed that she had an illicit relation
with co-accused Abdullah @ Munna and want to marry with
him, therefore, they committed murder of her son.

Learned counsel for the petitioners submits that
petitioners have clean antecedent and have committed no
offence and they have falsely been implicated in the present



case. He further submits that it appears from the F.I.R. that there is admitted position that co-accused namely, Abdullah @ Munna and co-accused Sama Parween have murdered the deceased. He further submits that there is no allegation of any assault or overt act against the petitioners. There is general and omnibus allegation against the petitioners. Similarly situated co-accused, namely, Rahim, Sanjeeda and Md. Saquib @ Md. Saquib Alam @ Saquib have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.09.2022 passed in Cr. Misc. No. 31440/2022 and the case of the petitioners is on similar footing. The police after investigation, submitted charge sheet against the petitioner. The petitioners are in custody since 29.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer of bail of the petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below in connection with Jokihat (Mahalgaon) P.S. Case No. 379/2021, subject to the following conditions:-

1. Petitioners shall co-operate in the trial



and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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