

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62459 of 2023**

Arising Out of PS. Case No.-325 Year-2022 Thana- AMAUR District- Purnia

1. Md. Mohsin @ Mosin, son of Mojib Village- Raili W.No-10, Ps- Amour Dist- Purnea
2. Md. Margoob Alam, son of Md. Najir Alam Village- Raili W.No-10, Ps- Amour Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      06-12-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Amour P.S. Case No. 325 of 2022, registered for the offences under Sections 302, 201, 120(B) of the Indian Penal Code.

3. As per prosecution case, the dead body of the son of the informant was recovered from an agricultural field. The informant named eight co-accused persons for being involved in the conspiracy of murder of his son. The name of the petitioners transpired during investigation for also being involved in the murder of the son of the informant.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners are not named in the FIR though the informant named a number of co-accused persons raising suspicion that they killed his son. On the date of the occurrence, the petitioners were outside the State and not present at the place of occurrence. Learned counsel further submits that in order to falsely implicate the petitioner, subsequently the statement of one Abhinandan Kumar Yadav was recorded, who named the petitioners who threatened the deceased and the witness due to their affair with some girl who is related to the petitioners. It is apparent that neither the informant nor any person is eye-witness to the alleged occurrence of the murder of the son of the informant. Petitioners have been named in this case on the basis of suspicion. There is no direct or indirect evidence against the petitioners to connect them with the alleged occurrence. The petitioners are having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the petitioners were named by one Abhinandan Kumar Yadav in paragraph no. 95 of the case diary.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



lack of substantive material against the petitioners to connect them with the offence as alleged and further considering the clean antecedent of the petitioners coupled with possibility of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/concerned court in connection with Amour P.S. Case No. 325 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

**(Arun Kumar Jha, J)**

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