

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14166 of 2024

Arising Out of PS. Case No.-36 Year-2023 Thana- RAUTARA District- Katihar

MD. MAHBOOB ALAM @ MAHBOOB ALAM Son of Md. Musa R/o
Village-Churbighat, P.S.-Rautara, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Adv.

For the Opposite Party/s : Mr.Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Rautara
P.S. Case No. 36 of 2023 instituted for the offences punishable
under Sections 302, 120(B) and 34 of the Indian Penal Code.

3. As per the prosecution case, the F.I.R. named accused
persons including unknown persons have committed murder of the
informant's son Md. Salim.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He is cousin
of the deceased and he has falsely been implicated in this case.
The petitioner is not named in the F.I.R. rather his name has been
surfaced during investigation and except suspicion nothing on
record to show the complicity of the petitioner in the alleged



occurrence. He has got no criminal antecedent. The other co-accused namely, Firoz Alam @ Firoz Khan has already been granted bail by a co-ordinate Bench of this Court vide order dated 25.01.2024 passed in Cr. Misc. No. 84742 of 2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R. and impugned order dated 04.01.2024 and postmortem report as produced by learned counsel for the petitioner, it appears that petitioner is not named in the F.I.R. and his name surfaced on the basis of his confessional statement in another case Rautara P.S. Case No. 39 of 2023 before the police which is inadmissible in the eye of law. During investigation, witnesses have not taken the name of the petitioner regarding his involvement in the alleged occurrence. Petitioner is in custody since 07.08.2023, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Rautara P.S. Case No. 36 of 2023.

(Ramesh Chand Malviya, J)

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