

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17590 of 2024

Arising Out of PS. Case No.-726 Year-2022 Thana- ARARIA District- Araria

Majrul Haque @ Majrool @ Md. Majharul Haque @ Majrool Haque @ Md. Majrool Haque Son Of Saiyad Hasan @ Saiyad Hussain R/O-Ward No. 14, Gaiyari, P.S. And Distt.-ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with Araria P.S. Case No. 726 of 2022, lodged on 24.08.2022 under Sections 302, 201, 120(B), 34 of the Indian Penal Code.

3. As per the prosecution case, an FIR has been lodged against seven named accused persons, including the present petitioner, against whom there is an allegation that all accused persons, in connivance with each other, have brutally assaulted the informant's son and thrown his dead body near *Raja Pokhar*.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the petitioner is an unfortunate person as this Hon'ble Court *vide* order dated 07.08.2023 passed in Cr. Misc. No. 24162 of 2023 has pleased to grant anticipatory bail to the



petitioner, but the petitioner fail to avail the said order due to the reason that he has not disclosed his criminal antecedent correctly. As such, the petitioner has no option left but to file regular bail upon surrender. Counsel further submits that there is a case and counter case and both the families of informant and petitioner are well known to each other. Counsel submits that on petty dispute, this occurrence took place between both the families and the case has been lodged from the informant's side bearing Araria P.S. Case No. 726 of 2022 and from the petitioner's side bearing Araria P.S. Case No. 441 of 2022.

5. Learned counsel for the petitioner submits that the criminal antecedent of the petitioner is not clean and there are two criminal cases pending against him in which he is on bail. The petitioner is in custody since 09.01.2024 in the present case.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that the petitioner's criminal antecedent is not clean and he has again not come before this Court with clean hands as per the arguments made by the counsel for informant that there are four criminal cases pending against the petitioner. Counsel has provided those



three FIR which was lodged against the petitioner and there is also another criminal case pending against him.

8. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 726 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C.

9. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

(I)- Araria P.S. Case No. 676 of 2016.

(II)- Araria P.S. Case No. 16 of 2020.

10. In case, it has been found that there are other criminal cases pending against the petitioner, then in that case, the order passed today shall not be operative.

(Dr. Anshuman, J.)

Divyansh/-

U		T	
---	--	---	--

