

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28505 of 2024

Arising Out of PS. Case No.-1046 Year-2017 Thana- SAHARSA SADAR District- Saharsa

Md. Mahmada @ Master @ Alijan Nat @ Mohammad Alijan Son of
Mohammad Sitabi Resident of Mohalla - Bhartiya Nagar, Ward No.26, P.S. -
Saharsa, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv. Mr. Pushpendra Kumar Singh, Adv. Ms. Divya Bharti, Adv.
For the State	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Pramod Mishra, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-06-2024 Heard Mr. N.K. Agarwal, learned senior counsel for
the petitioner and learned A.P.P. for the State as also learned
counsel for the Informant.

2. The petitioner apprehends his arrest in connection
with Saharsa P.S. Case No. 1046 of 2017 registered for the
offences punishable under Sections 302, 201, 120(B)/34 of the
Indian Penal Code.

3. As per prosecution case, some unknown persons
killed the father of the Informant in the red-light area.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is not named in the F.I.R. as the



F.I.R. was lodged against unknown. There is no eye-witness to the alleged occurrence. He further submits that the postmortem of the deceased was conducted but, the cause of death could not be ascertained and, therefore, the Doctor preserved the viscera for biochemical test and, in the report of the Forensic Lab, the Doctor has opined the cause of death due to sudden cardiac and not due to press of his neck. He further submits that after completion of the investigation, the police submitted final form showing therein lack of evidence but, even then, the learned Magistrate took cognizance against the petitioner and others for offence under Sections 302, 201, 120(B)/34 of the I.P.C. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory application.

5. Learned counsel for the petitioner further submits that the co-accused Md. Jalil @ Md. Zalil has been granted regular bail by this Court vide order dated 09.05.2024 passed in Cr. Misc. No. 35547 of 2024.

6. Learned A.P.P. for the State and the Informant oppose the prayer for anticipatory bail of the petitioner, stating that the offence alleged against the petitioner is serious in nature.



7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Saharsa P.S. Case No. 1046 of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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