

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40008 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- ALOULI District- Khagaria

Md Musahid Son of Late Julfikar @ Md Julfakkar Resident of Village - Sahsi,
P.S.- Alauli, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 26-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Alauli
PS Case No.82 of 2024 dated 05-03-2024, instituted for the
offence punishable under Section 302/34 of the Indian Penal
Code.

3. The allegation in the F.I.R. is that on the alleged
date and time of occurrence informant got information that 4-5
boys were assaulting his son near graveyard. On receipt of the
information, he along with 5-7 villagers reached near the
graveyard and saw that 04-05 boys were assaulting his son,
namely Md. Mokabbir. When he shouted loudly, then he saw
that one of the assailants stabbed knife in the chest of his son
and taken advantage of darkness, the assailants managed to run



away. The son of the informant later died and in his dying declaration named the person stabbing knife in his chest to be the co-accused, namely Salman and petitioner to be the one who tied his hands while Salman attacked him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that there is specific allegation against co-accused, namely, Md. Salman of stabbing knife in the chest of the informant's son. Referring to paragraph Nos. 06 and 32 of the case diary wherein, during investigation, the statements of independent witnesses of the FIR, namely, Md. Habibulla and Md. Nasir have been recorded under Section 161 of the Cr.P.C., wherein, it is submitted that they did not utter a word about the petitioner's involvement in the crime. It is further submitted that informant is not an eye witness of the alleged occurrence. Lastly, it is submitted that one criminal case is pending against the petitioner. The petitioner is in custody since 05-03-2024.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of



Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M. Khagaria, in Alauli PS Case No.82 of 2024, dated 05-03-2024, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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