

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42304 of 2024

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

1. Md. Badal, aged about 19 years, Gender- Male, son of Abdul Hak @ Md. Abdul, resident of Ward No. 06, Sahsi, P.S.- Alauli, District- Khagaria
2. Md. Tasveer, aged about 21 years, Gender- Male, son of Md. Avais, resident of Sahsi, P.S. Alauli, District Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S. D. Sanjay, Senior Advocate Ms. Sushmita Mishra, Advocate Mr. Sukesh Ranjan, Advocate
For the Opposite Party/s	:	Ms. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 09-08-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek 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 taking 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 petitioners to be the one who tied his hands while Salman attacked him.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have 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., it is submitted that they did not utter a word about the petitioners' involvement in the crime and it was Md. Suleman, who stabbed in the chest of the deceased. It is further submitted that informant is not an eye witness of the alleged occurrence. Further submission is that similarly situated co-accused Md. Musahid has been granted bail by this Court by order dated 26.07.2024 passed in Cr. Misc. No.40008 of 2024. Lastly, it is submitted that petitioners have no criminal antecedents. The



petitioners are 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 petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria, in Alauli PS Case No.82 of 2024.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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