

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46716 of 2024

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

1. Md. Mojim Son of Late Md. Sohrab Resident of Village - Bhartiye Nagar, Ward No.- 26, P.S.- Saharsa, District - Saharsa.
2. Khaituniya @ Khatuniya @ Khatun Nisa @ Khaitun Nisha Wife of Md. Mojim Resident of Village - Bhartiye 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.Sabal Kumar Jha, Adv.
For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Sadar P.S. Case No. 1046 of 2017 instituted for the offences 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 petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case mere on suspicion and dirty local party politics. The petitioners are not named in the F.I.R. and their names have



surfaced in this case in course of investigation. He further submits that the postmortem report does not corroborate the allegation leveled by the Informant. It appears from the postmortem report that the death of the Informant's father is natural one. It is further stated that the police after investigation has submitted final form against the petitioners but, even then, the learned court below took cognizance against them in a very causal manner. The petitioners were neither apprehended from the place of occurrence nor anything incriminating has been recovered from the possession. The petitioners have no concern with the alleged occurrence. The petitioners have no criminal antecedent and are languishing in judicial custody since 16.02.2024 without any rhymes or reason.

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

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioners and other co-accused are involved in killing the deceased and placed the dead body on road to show that the death is natural one. The cognizance has also been taken



by the learned court below under Sections 302, 201, 120B of the I.P.C. and, thus, they do not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sadar P.S. Case No. 1046 of 2017.

(Rudra Prakash Mishra, J)

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