

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65283 of 2024

Arising Out of PS. Case No.-182 Year-2023 Thana- CHHATAPUR District- Supaul

Md. Kiyamuddin @ Md. Kiyam Safi Son of Md. Skhawat Safi @ Shekhawat Safi Resident of Village - Rampur Lalpur Ward No.- 6, Police Station - Chhatapur, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Kumar Mehta, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-10-2024

Heard the parties.

2. The petitioner is apprehending arrest in connection with Chattapur P.S. Case No. 182 of 2023 instituted under Sections 147, 148, 149, 341, 342, 323, 307, 364, 302, 201, 120(b), 379 of the Indian Penal Code lodged on 06.06.2023 by the informant, Harilal Sahni.

3. As per the prosecution story, the informant alleged that the accused persons took two brothers to the house of Arif where he alongwith his mother Jalo Khatoon pressed the testicles of Vikash Kumar and further his neck was pressed so hard that he died of Asphyxia. The other brother was also assaulted and they were thrown outside which led to the FIR.

4. Learned counsel for the petitioner submits that the deceased was in relationship with one of the girl of



the said community which led to this assault/murder. He is not related to Md. Arif nor anything to do in the matter but he being the neighbour, implicated. Further, he do not have criminal antecedent. The last submission is that similar situate Md. Sakir, Md. Kurban and Md. Sakim have been granted anticipatory bail by a coordinate bench of this Court (Sunil Kumar Panwar, J) on 25.06.2024 in Cr. Misc. No. 42608 of 2024 and in Cr. Misc. No. 42687 of 2024.

5. Learned APP opposes the prayer submitting that the allegation against all the accused persons though omnibus in nature is of assaulting and taking the deceased towards the house of Arif.

6. Though omnibus allegation is against the petitioner of moving alongwith the deceased to the house of Md. Arif, the main allegation is against Md. Arif that he alongwith his mother of ultimately killing the boy as also assaulting his brother, this petitioner do not have criminal antecedent and similar situate persons against whom there was omnibus allegation have been granted relief, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Chattapur P.S. Case No. 182 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Supaul subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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