

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.78485 of 2024

Arising Out of PS. Case No.-265 Year-2022 Thana- BAISI District- Purnia

Naseem @ Md. Nasim Son of Late Islam @ Md. Islam Resident of Village-
Chanki Asjamobaiya Tarabari , P.S- Baisi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 84857 of 2024

Arising Out of PS. Case No.-265 Year-2022 Thana- BAISI District- Purnia

Md. Fakira @ Fakira S/o Late Nazam @ Doma Resident of village-
Lotiyabari, Tarabari Asja Mobiaiya, PS- Baisi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 78485 of 2024)

For the Petitioner/s : Mr. Ajay Kumar Thakur
Ms. Vaishnavi Singh
Mr. Ritwik Thakur

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala
(In CRIMINAL MISCELLANEOUS No. 84857 of 2024)

For the Petitioner/s : Mr. Ajay Kumar Thakur
Ms. Vaishnavi Singh
Mr. Ritwik Thakur

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 206-12-2024
1. Since both these regular bail applications arise out of Baisi Police Station Case No. 265 of 2022, with the consent of the parties, both these applications are heard together.



2. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
3. The petitioners seek regular bail in connection with Baisi Police Station Case No. 265 of 2022, dated 29.06.2022, disclosing offences under Sections 302/120-B/379/34 of the Indian Penal Code.
4. It is a case of double murder. The prosecution case, as per the First Information Report, is that the accused persons, named in the First Information Report, assaulted the deceased persons by various weapons under the conspiracy hatched by all the accused persons.
5. Earlier, the prayer for anticipatory bail of the petitioners has been rejected by this Court, vide order, dated 07.07.2023, passed in Criminal Misc. No. 24277 of 2023.
6. Learned Counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case due to local political rivalry. He further submits that the petitioners are not named in the First Information Report and their names figured in this case on the basis of confessional statements of Zafar and Zaki Ahmad. He further submits that no overt act has been alleged in the First Information Report and only 17



persons have been named in the First Information Report.

He further submits that co-accused persons, namely, Anjum, Akil, Sayyad, Jahangir, Saukat, Hasnain, Laltu, Md. Aejaaz, Muddassir, Safdar, Noor Sayeed and Nasir Raja have been granted regular bail by different co-ordinate Benches of this Court. He next submits that the petitioners are in custody since 19.08.2024 and 05.09.2024 respectively, having no criminal antecedent.

7. Having heard learned Counsel for the parties and taking into consideration the fact that 17 persons have been named in the First Information Report by the informant, in which the name of the petitioners are not appearing, the name of the petitioners surfaced in this case on the basis of confessional statement of co-accused persons, they are in custody since 19.08.2024 and 05.09.2024 respectively, having no criminal antecedent, charge sheet has been submitted against the petitioners, as such, there is no likelihood that the petitioners will abscond or tamper with the evidence and co-accused persons have been granted bail by this Court, I am inclined to grant regular bail to the petitioners.
8. This application is allowed.



9. Accordingly, let the petitioners, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Baisi Police Station Case No. 265 of 2022.
10. This is subject to the condition that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions without any concrete reason(s), their bail bonds shall be liable to be cancelled by the learned Trial Court itself.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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