

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80151 of 2024

Arising Out of PS. Case No.-149 Year-2024 Thana- KAKO District- Jehanabad

Moin Mian @ MD. Moinuddin Son of Late Nasru Mian Resident of Village-
Sulemanpur, P.S.- Kako, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-11-2024 Heard Mr. Arbind Kumar Singh, learned counsel for
the petitioner and Mr. Bharat Bhushan representing the State.

2. The petitioner is in custody in connection with Kako
P.S. Case No. 149 of 2024 for the offence punishable under
sections 302, 307, 120(B) and 34 of the Indian Penal Code lodged
on 05.06.2024 by the informant, Shahida Khatoon.

3. As per the prosecution story, the informant alleged
that her husband, Md. Shakeel Mian was called by Md. Shahzad
and when he went to the place and was talking to him, the
allegation is that Md. Arman and Md. Rizwan armed with the
knives inflicted fatal blow on the chest, belly and neck of her
husband. When Md. Shahzad came to the rescue, he was also
assaulted. The husband was rushed to Sadar Hospital, Jehanabad,
where he succumbed to the injuries. Md. Shahzad was referred to
PMCH, Patna for treatment. Md. Shahzad was married to the
daughter of this petitioner and both Md. Arman and Md. Rizwan
are her brothers. Two years ago, the marriage was dissolved, for



which, the accused persons used to hold the husband of the informant responsible as he had negotiated the marriage. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is the father of Md. Arman and Md. Rizwan, who are the main accused in the case, his name has come in the FIR as a conspirator but no role has been assigned. Further, the daughter of the petitioner, namely, Rumi Praveen has been extended the privilege of bail in Cr. Misc. No. 76855 of 2024. The last submission is that the petitioner is in custody since 06.06.2024 (para 11 of the petition).

5. Let the order of Rumi Praveen be kept on record.

6. Learned APP, Mr. Bharat Bhushan, on the other hand opposes the prayer for bail submitting that his name has come as a conspirator.

7. Taking into account the aforesaid submissions as also the fact that the perusal of the FIR would show that specific allegation is against Md. Arman and Md. Rizwan, this petitioner is the father of the two accused and further one of the co-accused, Rumi Praveen, as stated above has been granted bail, he is in custody since 06.06.2024 (para 11 of the petition) and has got no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.



8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M. Jehanabad, in connection with Kako P.S. Case No. 149 of 2024 subject to the following 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 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;

(iv) 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)

Vijay Singh/-

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