

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86505 of 2023

Arising Out of PS. Case No.-353 Year-2023 Thana- ARARIA District- Araria

1. Hasibur Rahman @ Md. Hasibur Rahman Son of late Nejamuddin resident of Village - Majkuri Ward No. 03, Police Station- Araria (R.S.), District - Araria.
2. Rejani Son of Late Nejamuddin resident of Village - Majkuri Ward No. 03, Police Station- Araria (R.S.), District - Araria.
3. Rizwan @ Md. Rizwan Alam Son of Late Nejamuddin resident of Village - Majkuri Ward No. 03, Police Station- Araria (R.S.), District - Araria.
4. Rajanoor @ Raj @ Mohammad Rejanoor Son of Rejani resident of Village - Majkuri Ward No. 03, Police Station- Araria (R.S.), District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana
For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 31-01-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Araria R. S. Police Station Case No. 353 of 2023, dated 14.04.2023, disclosing offences under Sections 302/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 13.04.2023, while the son of the informant was coming from coaching institute, all the FIR named accused persons, including the petitioners, brutally



assaulted the son of the informant by means of lathi, danda, chain, etc., resulting in his death.

4. Learned counsel for the petitioners submits that the dispute arose due to quarrel between the children of both the parties and the petitioners have have been made accused on the basis of concocted story. He next submits that the police, after investigation, has submitted charge-sheet only against four accused persons and final form against the petitioners has been submitted not sending them for trial. However, the learned Magistrate has differed with the police report and has took cognizance against the petitioners.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the police, after investigation, has submitted final form not sending the petitioners for trial, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Araria R. S. Police Station Case No. 353 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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