

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6383 of 2024

Arising Out of PS. Case No.-63 Year-2004 Thana- SIKTI District- Araria

1. Taimul @ Md Taimul, son of Late Yunus, R/o Village- Parariya, P.S.- Sikti, Dist.- Araria
2. Jamil @ Md. Jamil, son of Late Yunus, R/o Village- Parariya, P.S.- Sikti, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Sikti P.S. Case No. 63 of 2004 registered for the alleged offences under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the son of the informant went to bring back his wife from his matrimonial home and the informant came to know that his son was lying unconscious near the house of petitioner no.1. When the informant reached there, his son disclosed the name of the petitioners along with other co-accused persons, who assaulted him and tried to strangulate



him. The son of the informant died after giving the aforesaid information to the informant.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The whole prosecution story is false and concocted. The son of the informant was married with the daughter of the petitioner no.1 and the relationship was not good between them and litigation has been going on between the parties. The prosecution story is not believable as the informant stated about his son leaving his house at 1.00 P.M. and just three hours thereafter the informant started receiving the news about the son lying unconscious near the house of the petitioner no.1. It also appears that the informant has falsely implicated the petitioners as his son narrating the whole story giving details of allegations against the petitioners and just after disclosure, the son of the informant dying, is not believable. During course of investigation, a number of witnesses were examined, who stated that the deceased came to the village under influence of liquor and other drugs and when his health deteriorated, he was given medical support, still he died. The post mortem report did not disclose any ante-mortem injuries on the body of the deceased and the viscera was preserved, but no poisonous substance was



found. All these facts make the prosecution case doubtful. After investigation, the police submitted final form and did not send the petitioners to face trial, but the learned Magistrate took cognizance differing from the police report. The petitioners were not having apprehension of arrest as the final report was submitted way back in the year 2007 and the learned Magistrate took cognizance more than three years thereafter. The petitioners have no criminal antecedent.

5. Learned APP vehemently opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the improbability of accusation in the doubtful circumstances, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Sikti P.S. Case No.63 of 2004, subject to the conditions mentioned in Section 438 (2) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of



the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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