

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.569 of 2024

Arising Out of PS. Case No.-36 Year-2023 Thana- RAUTARA District- Katihar

Md. Salman son of - Harun Rashid Resident of village- Churbighat, P.S.-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 19-03-2024 1. Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.
2. The accused/petitioner is not named in F.I.R.

and apprehending his arrest in connection with Rautara

P.S. Case No. 36 of 2023, registered for the offences

punishable under Sections 302, 120(B)/34 of the Indian

Penal Code.
3. The allegation against above named

petitioner is to commit murder of the son of informant

alongwith other co-accused persons, where occurrence is

alleged to be arises out of some illegal and immoral



activities.

4. Learned counsel appearing on behalf of the petitioner submitted that informant of this case is the father of petitioner, who appears to claim himself as an eye-witness of the occurrence. It is submitted that ten accused persons were named with present FIR. It is further pointed out that during course of occurrence, certain witnesses, who claimed to be an eye-witness of the occurrence even failed to name this petitioner but on 05.08.2023, when cousin brother of petitioner was arrested by police during investigation, he in his confessional statement named this petitioner, who is own brother of deceased just to change factual matrix of this case out of family enmities. Petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances, as eye-witness of the occurrence failed to name this petitioner, where the name of petitioner



surfaced during the course of investigation by one of the apprehended co-accused persons through his confessional statement without having any further incriminating material/substance *prima facie*, as to connect petitioner with present occurrence, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Katihar/concerned Court, where the case is pending in connection with Rautara P.S. Case No. 36 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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