

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8354 of 2025

Arising Out of PS. Case No.-385 Year-2024 Thana- NARPATGANJ District- Araria

1. Mumtaz S/o- Samsul R/o-W.No-12, Suwaldah Majhuwa Kandhaili Ps-Narpatganj Dist- Araria
2. Samsad S/o- Samsul R/o-W.No-12, Suwaldah Majhuwa Kandhaili Ps-Narpatganj Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md Jubair Ansari, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, A.P.P.
For the Informant	:	Mr. Ranjeet Choubey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-04-2025 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 137(2), 140(1), 61(2), 3(5) of the Bharatiya Nyaya Sanhita to which Section 103(1) of the Bharatiya Nyaya Sanhita was added later on.

3. As per prosecution case, all the F.I.R. named accused persons committed murder of the brother of informant. It is alleged that co-accused Nazrul and brother of the informant were partners and when the deceased took contract of Rs. 4 lacs, co-accused Nazrul threatened to kill him.

4. Learned counsel appearing for the petitioners



submits that petitioners are not named in the F.I.R. and their name transpired during course of investigation on the basis of confessional statement of co-accused Nazrul. Only material that has come against petitioner No. 2 is that on the alleged date of occurrence, he had conversation with the deceased on mobile phone. There is no specific allegation of overt act against the petitioners. Petitioners claim clean antecedent.

5. Learned counsel for the State opposed the bail application and submits that there is specific allegation that petitioner No. 1 along with co-accused Tabrej assaulted deceased with knife as a result of which he died.

6. In view of the fact that petitioner No. 1 along with co-accused Tabrej assaulted deceased with knife as a result of which he died, **prayer for anticipatory bail of petitioner No. 1 is refused.**

7. However, considering the nature of accusation and clean antecedent, the **anticipatory bail with regard to petitioner No. 2 is allowed** and it is ordered that the above named petitioner No. 2 in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of Chief Judicial Magistrate, Araria in connection with Narpatganj P. S. Case No. 385 of 2024, subject to condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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