

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21386 of 2025

Arising Out of PS. Case No.-386 Year-2024 Thana- AMAUR District- Purnia

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1. Md. Taimur S/O Md. Sarif @ Md. Sharif @ Sarif Resident of Bhamra, ward no. 11, P.S- Kasba, District- Purnea.
 2. Md. Sharif @ Md. Sarif @ Sarif S/O Late Bokai Resident of Bhamra, ward no. 11, P.S- Kasba, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Md Fazle Karim, Adv.
For the State	:	Mr. Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-08-2025 Heard learned senior counsel for the petitioners and learned APP for the State.

2. In this present case, the petitioners seek bail in connection with Amour P.S. Case No. 386 of 2024 registered for the offences under Sections 103(1), 238 and 3(5) of the B.N.S.

3. As per prosecution case, dead body of an unknown female was recovered near banks of small river and subsequently during investigation it came to the knowledge that the dead body was of one Julekha Khatoon who was in relation with the brother of petitioner no.1 and the petitioners were involved in her murder.

4. Learned senior counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. From the FIR, it is apparent that the



FIR was registered against unknown and even the deceased lady was not identified. One and half months after registration of FIR, some witnesses came forward and identified the photographs of the deceased as Julekha Khatoon. The witnesses, who are relatives of the deceased, stated that the deceased was married to one Md. Jahir about 20 years back and had two sons from the wedlock. Later on, she eloped with one Md. Shamshad about 12 years back and they were having some problems in their relationship. The petitioners, who are the brother and the father of Md. Shamshad, respectively, are stated to have committed the murder so that Md. Shamshad got riddance from the lady. But for 12 years if there has been no problem and the petitioners have no reason or motive to get themselves involved in killing the said lady. Petitioners have been named in this case on the basis of their confessional statement and except for this statement, there is no other material to show the complicity of the petitioners in the occurrence. Learned senior counsel further submits that nothing incriminating has been recovered from the petitioners and if any recovery has been shown that is not at the instance of the petitioners. It is a case of circumstantial evidence, there are a number of missing links and the petitioners are in custody since 18.01.2025 and charge-sheet has been submitted. Petitioners are having clean antecedent.

5. Learned A.P.P. opposes the submission made on



behalf of the petitioners. Learned APP submits that during investigation, police came to know about the petitioners who wanted the deceased lady to leave Md. Shamshad and from the mobile phone of petitioner no.1 a recording of petitioner no.1 with the deceased was found and the petitioner no.1 had been threatening the deceased lady to leave his brother. Learned APP submits that one rope was also recovered from the house of the petitioners which was similar to the rope which was found with the dead body of Julekha Khatoon.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the remoteness of allegation and further considering the lack of substantive material against the petitioners and also considering the period of custody of the petitioners along with their clean antecedent and submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/concerned court in connection with Amour P.S. Case No. 386 of 2024, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other 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.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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