

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29959 of 2025

Arising Out of PS. Case No.-65 Year-2016 Thana- NIMCHAKBATHANI District- Gaya

Md. Zulfequar Khan @ Zulfequar Khan @ Kallu Son of Md. Abdul Hafeez
Khan, R/o Village- Tetari, Ps- Neemchak Bathani, Dist- Gaya..... Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheikh Arkan Ahmad, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 18-09-2025 Heard learned counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of
the State.

2. The petitioner seeks bail in connection with
Neem Chak Bathani P.S. Case No. 65/2016, registered
for the offence under Sections 302/34 of the Indian
Penal Code.

3. The accused/petitioner is not named in the
F.I.R. and is in custody since 07.01.2025.

4. As per FIR, the informant raised suspicion
against three named accused persons, namely,
Imteyaz Khan @ Sonu, Naushad Khan and Yaubyub
Khan, all sons of Habeez Khan to commit murder of his
mother and niece, where occurrence alleged to be
arising out of land dispute.

5. Learned counsel appearing on behalf of the



petitioner submitted that entire basis of allegation is suspicion arising out of property dispute and previous threat. It is pointed out that even the suspicion was not raised against this petitioner through FIR and subsequently, being matter of afterthought being brother of named three accused persons, the present petitioner was also implicated through statement of witnesses. It is submitted that if it was so it must be informed to the informant before placing written information to the police for lodging the present FIR. It is submitted that considering the aforesaid aspect, one of the learned co-ordinate Bench of this Court granted bail to named co-accused persons, namely, Imteyaz Khan and Naushad Khan through Cr. Misc. No. 38589 of 2016 dated 17.09.2016. It is submitted that the case of this petitioner is on the better footing and he was not named with FIR even on the basis of suspicion and same was for the reasons that petitioner was working as Kolkata and he was present there at the time of occurrence, who is a man of clean antecedent. It is also pointed out by learned counsel that the petitioner was never declared absconder and due to procedural technicalities the delay was caused to conclude the trial.



6. Learned APP while opposing the prayer of bail could not disputed the aforesaid factual submission.

7. Considering the aforesaid factual submissions and by taking note of fact as even suspicion was not raised against this petitioner through FIR, where the witness who found fleeing away petitioner from the house of the informant are not appears *prima facie* witness of the actual occurrence of double murder, coupled with the fact that investigation of this case is already completed, where petitioner being a man of clean antecedent, remains in custody since 07.01.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Neem Chak Bathani P.S. Case No. 65/2016 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Xth, Gaya/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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