

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32460 of 2025

Arising Out of PS. Case No.-142 Year-2021 Thana- PALASI District- Araria

Md. Mainuddin @ Mainuddin S/o Late Sahadat Resident of village- Dighli,
ward no 03, police station- Palasi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar Singh, Advocate
For the State	:	Mr. Shantanu Kumar, APP
For the Informant	:	Mr. Amarnath Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-07-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 302 and 34 of the Indian
Penal Code.

3. As per prosecution case, informant, being the
second wife of the deceased, alleged that on dated 26.07.2021,
when the informant and her husband were going to home, this
petitioner, along with other co-accused persons named in the
F.I.R., intercepted them and badly assaulted husband of
informant and committed his murder for landed property

4. It is submitted by learned counsel for the petitioner



that petitioner is quite innocent and has committed no offence. As a matter of fact, petitioner is own brother of the deceased and has falsely been implicated in this case at the instance of informant who is second wife of the deceased. As per F.I.R., all the accused persons assaulted the deceased and strangled him but the cause of death of deceased as been opined by the doctor is due to throttling and it is not the case of the prosecution that on the body of the deceased several injuries were found. Similarly situated co-accused persons have already been granted bail by Co-ordinate Bench of this Hon'ble Court vide order dated 24.02.2023 passed in Cr. Misc. No. 64864 of 2022 and order dated 28.04.2025 passed in Cr. Misc. No. 20949 of 2025. During investigation it has come that there was property dispute between the two wives of the deceased and their children and the petitioner, being brother of the deceased, had no motive to indulge in the alleged occurrence especially when they were separate in mess and property since long and this petitioner has got no concern with the affairs of the deceased and his two wives. Moreover, charge-sheet has already been submitted and petitioner is in custody since 21.01.2025. Petitioner has got no criminal antecedents.

5. Learned A.P.P. for the State and learned counsel



appearing on behalf of the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the nature of accusation, claim based on parity, period of custody and clean antecedents of the petitioner, the prayer for grant bail of to the petitioner is allowed.

7. Accordingly, let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Araria in connection with Palasi P.S. Case No. 142 of 2021.

(Prabhat Kumar Singh, J)

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