

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43428 of 2025

Arising Out of PS. Case No.-281 Year-2015 Thana- JOKIHAT District- Araria

Tahrul S/o Zakir @ Jakir R/o Village- Kursailo, Ward No. 04, P.S.-
Mahalgaon, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Jokihat (Mahalgaon) P.S. Case No. 281 of 2015 registered for the offences under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the informant took a loan of Rs. 5,000/- from his brother-in-law and when the loan was not repaid, the brother-in-law and other co-accused persons abused and assaulted the father of the informant. On instigation of the petitioner and co-accused Sarwar, the father, mother, sister and the informant were brutally assaulted by other co-accused persons and the victims received a number of injuries. Subsequently, father of the informant succumbed to his injuries.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Allegation against the petitioner is completely concocted and police submitted final form against the petitioner showing him to be innocent. But the learned Magistrate took cognizance. There is no specific allegation of assault or any other overt act against the petitioner except making allegation that he and the co-accused Sarwar asked the other co-accused to kill the father of the informant. Petitioner is in custody since 22.04.2025 and is having clean antecedent.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that police did not find the involvement of the petitioner in the occurrence and further considering the absence of specific allegation of assault against the petitioner and also considering the clean antecedent of petitioner coupled with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV,



Araria/concerned court in connection with Jokihat (Mahalgaon)
P.S. Case No. 281 of 2015, 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 petitioner.
- (ii) The petitioner 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
petitioner will be liable to be cancelled by
the court concerned.

(Arun Kumar Jha, J)

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