

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73655 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- ARARIA District- Araria

1. Md. Mustahsan @ Mustahasan Son of Md Mohsin Resident of Village- Khalilabad, Basantpur, Ward No. 26, P.S.- Araria, Distt.- Araria
2. Md Mustahzir Alam @ Md Mustajir Son of Md Mustahsan @ Mustahasan Resident of Village- Khalilabad, Basantpur, Ward No. 26, P.S.- Araria, Distt.- Araria
3. Md Ali Son of Md Mustahsan @ Mustahasan Resident of Village- Khalilabad, Basantpur, Ward No. 26, P.S.- Araria, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ziaul Quamar, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehended their arrest in a case registered for the offence punishable under Sections 302 and 201/34 of the Indian Penal Code.

3. As per allegation in the FIR, it is a case of death of the son of the informant and his dead body was found in a vacant land near unreconstructed house.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. He next submits that there is no eye witness of the alleged occurrence as



well as no any specific allegation has been levelled against the petitioners.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioners.

6. On perusal of the first information report and impugned order dated 10.09.2024, it appears that during the course of investigation, the name of the petitioners transpired but in the conclusion report, the police found the case untrue against all the petitioners and accordingly, submitted final report as not sent up against the petitioners but the learned Magistrate deferred the opinion of the investigating officer and rejected the opinion of the investigating officer and took cognizance of the offence under Section 302 of the IPC against all the accused persons including the present petitioners and one chargesheeted accused and issued process of summons against all accused persons.

7. Considering the above facts of the case, I am inclined to grant anticipatory bail to the petitioners and the above named petitioners be released on anticipatory bail, in the event of their arrest or surrender before the court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Chief Judicial
Magistrate, Araria in connection with Araria P.S. Case No. 02
of 2024.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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