

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79599 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- HABIBPUR District- Bhagalpur

Md. Minu @ Md. Rustam Son of Late Md. Manni Tailor village- Khilafat
Nagar, Ps- habibpur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 05-02-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with S. Tr.
No. 647 of 2024 arising out of Habibpur P.S. Case No. 70 of
2024 instituted for the offence under Sections 302 & 34 of the
Indian Penal Code.

3. Prosecution case in short is that son of the
informant went with one Md. Imran @ Murga on motorcycle
and did not return. Later on the next day, there was *hulla* that
her son was killed by cutting his neck. She has alleged that Md.
Imran @ Murga, Md. Ismail and Md. Minu caused death of her
son.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 01-07-2024. Petitioner bears five criminal antecedents, out of which he is acquitted in three cases, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is named in the FIR only on the basis of suspicion. It is submitted that petitioner has no concern with the alleged occurrence or with the co-accused Imran @ Murga, who has taken the son of the informant. There is no eye witness to the occurrence. It is submitted that during course of investigation, even the co-accused, namely, Imran @ Murga has not whispered about the petitioner's complicity in the occurrence. Learned counsel goes on to submit that except suspicion, there is no material against the petitioner. Charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 120 of the case diary, which is confessional statement of co-accused, namely, Imran @ Murga, it is submitted that one Chotu has committed the murder of the son of the informant.



7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no role of the petitioner in the alleged occurrence and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with S. Tr. No. 647 of 2024 arising out of Habibpur P.S. Case No. 70 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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