

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86568 of 2024

Arising Out of PS. Case No.-376 Year-2024 Thana- MADHUBAN District- East Champaran

1. Irshad Alam S/O Ajim Miya @ Ajim Mansoori R/O Vill-Jogaulia, Tola-Palat, P.S-Madhuban, Dist-East Champaran.
2. Jainudin @ Bhikhar S/O Md. Shakur R/O Vill-Jogaulia, Tola-Palat, P.S-Madhuban, Dist-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Madhuban P.S. Case No. 376/2024 dated 06.09.2024 registered for the offences punishable u/ss 103(1), 61(2) and 3(5) of the B.N.S.

3. As per the prosecution case, on 05-09-2024 at about 07:00 P.M. co-accused Momina Khatoon came to the house of informant and took her son, namely, Namjat Ali with her, but the son of informant did not return to his house and he also did not respond to the call of informant. Thereafter, the informant came to know that his son was murdered and his dead



body is lying in the maize field. Further, the informant has alleged that the petitioner and the co-accused persons in connivance with one another have committed murder of her son.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case on mere suspicion. The petitioners have no concern with the alleged occurrence. The petitioner no. 1 has stated the *modus operandi* as to how the occurrence took place with the assistance of the co-accused persons but the said statement does not have any evidentiary value in the eye of law. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 08.09.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners. As per the post-mortem report, the doctor has found two stab wounds on the body of the deceased and the cause of death is mentioned as lung laceration with shock and injury is caused by sharp weapon.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with



two sureties of the like amount each to the satisfaction of learned Court concerned, Motihari, East Champaran, in connection with Madhuban P.S. Case No. 376/2024, with the condition:-

(i). The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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