

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89153 of 2024

Arising Out of PS. Case No.-146 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Md. Jubaid @ Md. Jubair @ Md. Juvaaid Son of Md. Niyamuddin @ Md Niyamodin @ Niyamuddin Resident of village- Pana Chhapra, P.S.- Motipur, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Ms. Bela Singh, Advocate
For the State	:	Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 31-01-2025 Heard learned counsels for the parties.

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

3. As per prosecution case, on 01.07.2020 at about 8 PM, this petitioner, along with other F.I.R. named accused persons, took son of informant with them on some pretext to canal and thereafter at 9:15 PM, informant got information that her son has been killed. Informant suspects that this petitioner, along with other accused persons named in the F.I.R., committed murder of her son . It is further alleged that one week prior to the occurrence, all the accused persons had threatened son of informant.



4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has committed no offence. Informant is not an eye witness to the alleged occurrence and only suspicion has been raised against this petitioner. Police after investigation submitted charge-sheet against co-accused Md. Khurshid and this petitioner was not sent up for trial and thereafter cognizance under Section 302 and 34 of the Indian Penal Code was taken against co-accused Md. Khurshid vide order dated 07.10.2020. During trial, 7 prosecution witnesses were examined and this petitioner was named by the prosecution witnesses as he was seen fleeing away from the place of occurrence and thereafter a petition was filed under Section 319 of Cr.P.C. on behalf of the prosecution in S. Trial No. 101 of 2021 on 10.05.2023 and the aforesaid petition was allowed vide order dated 01.04.2024 and summon has been issued against this petitioner for facing trial. Similarly situated co-accused persons have already granted bail by this Court vide order dated 18.01.2025 and 28.01.2025 passed in Cr. Misc. Nos. 75057 of 2024 and 83894, respectively. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the



petitioner.

6. Considering the aforesaid facts and circumstances, claim based on parity, nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged 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 1st Additional Sessions Judge, Muzaffarpur in connection with Motipur P.S. Case No. 146 of 2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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