

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3950 of 2015

Arising Out of P.S. Case No. -62 Year- 2013 Thana -JIRADEI District- SIWAN

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Nahjeb @ Jhagru S/o Late Md. Faish @ Kaish Resident of Village-
Chandpali, P.S. Ziradei, District - Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate.

For the Opposite Party/s : Mr. R.B.Roy Raman, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-03-2015

Heard both sides.

The petitioner Nahjeb @ Jhagru seeks regular bail in
a case registered under Sections 364/34 of the Indian Penal Code
and Section 27 of the Arms Act.

Rashida Khatoon, the mother of the deceased,
disclosed that Akhtar Mian and Zahir Mian took her son Faiyaz
Ahmad @ A.D. Khan along with them but his son did not return.
She heard a sound of firing in the eastern side of the village. She
further disclosed that Sher Khan, Shahadat Khan, Akhtar Mian
and Zahir Mian were seen.

It is submitted that the petitioner is not named in the
F.I.R. During the course of investigation, the name of the
petitioner figured in the confessional statement of co-accused Md.
Sohail Raza. Except the confessional statement, there is no

material to show the involvement of the petitioner. The witnesses in paras 36, 37, 78 and 79 of the case diary, which have been referred by the learned Sessions Judge, have not stated anything about the petitioner and they only disclosed about the occurrence on the basis of the evidence collected from other persons. Co-accused Azbullah Khan, Sahadat Khan and Md. Gufran have already been enlarged on bail.

Considering the facts that the petitioner is not named in the F.I.R. and the name of the petitioner firstly surfaced in the case in the confessional statement of Md. Sohail Raza and thereafter some of the witnesses disclosed the name of the petitioner, that too, on the hearsay evidence, the above named petitioner is directed to 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 the learned Additional Sessions Judge V, Siwan in Sessions Trial No. 408 of 2014, arising out of Ziradei P.S. Case No. 62 of 2013.

(Prabhat Kumar Jha, J)

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