

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29612 of 2015

Arising Out of PS.Case No. -218 Year- 2013 Thana -AKBARPUR District- NAWADA

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1. Md. Sarwar , son of Late Sabdul Miyan
 2. Anwar Miyan son of Md. Akbar Miyan
 3. Md. Imteyaz Miyan , son of Late Zaffar Miyan , all resident of village- Bhadauni, P.S.- Nawada, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Nayan

For the Opposite Party/s : Mr. M.Haque(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 06-10-2015 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners Md. Sarwar and Md. Anwar Miyan apprehend their arrest in connection with a case registered for the offences punishable under Sections 302/201/34 of the Indian Penal Code.

Case diary has been called for earlier which has since been received.

Learned counsel for the petitioners submits that the present case has been lodged against unknown persons but subsequently, the case against these petitioners has been developed with various witnesses making separate stories regarding the disappearance of



Md. Ibrar, the deceased. He further submits that there was a history of litigation between the parties in which the niece of the petitioner No. 1 and sister of petitioner No. 2 who was deaf and dumb, had been gang raped and in connection with the said case, the deceased had been convicted, Appeal of which is pending before this Court.

Learned counsel for the petitioners further submits that the informant's side has tried to make out a case against these petitioners only that these petitioners were trying to compromise the matter. However, learned counsel for the petitioners submits that the question of compromise would not arise as the deceased has already been convicted and there was no occasion to do so as they had achieved their target of putting the culprit/deceased to task.

Learned counsel for the State while pointing to several paragraphs in the case diary has stated that the story being propounded by either the mother of the deceased or the sister-in-law (wife of elder brother) does not tally, thus casting a cloud on the prosecution story.

However, considering the entire facts and circumstances of the case, the materials available in the case diary and that there being no co-relating circumstances so as to implicate these

petitioners who have no criminal antecedent and also the fact that there is history of litigation between the parties on both sides, let the petitioners abovenamed, in the event of their arrest / surrender within a period of three weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. Case No. 218 of 2013 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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