

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9682 of 2016

Arising Out of PS.Case No. -266 Year- 2015 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

=====

Md. Salaudin, S/o Yakub Mian, Resident of Village Patilar Mauza Tola,
P.S. Chautarwa, Dist West Champaran. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Anand Kishore Choudhary, Advocate

For the Opposite Parts : Mr. B.N. Pandey (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-04-2016

Heard learned counsel for the petitioner and the

learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Chautarwa P.S Case No. 266 of 2015 registered for the offence
punishable under Section 302 of the Indian Penal Code.

Allegedly, Baksullah Mian was stabbed and the
miscreants after assaulting the wife of deceased with feet fled
away and when the deceased was being brought for treatment, he
died in the way. During investigation the name of the petitioner
transpires that before death, the deceased has taken the name of
the petitioner.

Submission is of false implication and that only due
to previous enmity petitioner has been implicated later on after
developing the prosecution story which is not reliable, the
statement of the informant has been recorded under Section 164 of
the Cr.P.C. wherein he has stated that due to earlier dispute he has

stated that Salaudin killed his son and as such, the petitioner who is suffering in custody since 07.10.2015 deserves sympathetic consideration, to which the learned APP opposes by submitting that the informant in his further statement, the wife of the deceased and other witnesses during investigation in their statement stated that the deceased before death has taken the name of the petitioner.

In the facts and circumstances stated above, considering that petitioner is not named in the First Information Report, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M., Bagaha, West Champaran arising out of Chautarwa P.S. Case No. 266 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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