

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19589 of 2017

Arising Out of PS.Case No. -101 Year- 2015 Thana -BARHARIA District- SIWAN

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Aftab Alam, S/o Saleem Mian, R/o Village- Sahnawazpur, P.S.- Taraiya,
District- Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 20-06-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in custody since 19.12.2016
in connection with Barharia P.S. Case No. 101/15, G.R. No.
1225/15 for the offences alleged under Sections 302/34 of the
Indian Penal Code and 27 of the Arms Act.

The prosecution case is that one Anil Kumar
Kushwaha took away the son of the informant and thereafter he
was killed.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has falsely been implicated just
because he does not have a clean antecedent and that one of the
witnesses Krishna Patel has stated in paragraph 74 of the case



diary that one Rais Khan along with other co-accused and the petitioner have been involved in the said occurrence. He submits that the First Information Report named accused Anil Kumar Kushwaha has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 38336 of 2015 on 07.10.2015 and it is only on the confessional statement of Pappu Manjhi and other co-accused that the petitioner has been made accused. He submits that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Barharia P.S. Case No. 101/15, G.R. No. 1225/15.

(Nilu Agrawal, J)

Rajesh/-

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