

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28613 of 2017

Arising Out of PS.Case No. -446 Year- 2016 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Neyaz Khan son of late Wakil Khan resident of village - Ramdham,
Pawariya Tola, P.S. - Bagaha, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Singh, Sr. Adv.
Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Sri Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 11-07-2017 Heard both sides.

The petitioner seeks bail in Bagaha P.S. Case No. 446/2016, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

The informant, widow of the deceased, alleged that her husband did not return from his shop of egg. Her husband got injury on the chest and the abdomen. The informant suspected that Hasrat Khan and Ibrahim Khan along with other accused persons might have killed her husband as they had threatened the husband of the informant.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. Name of the petitioner



surfaced in the case in the confessional statement of co-accused Hasarat Khan, who is said to have disclosed the fact of killing of the deceased Abdul Aziz. The petitioner is said to have suggested the name of Jai Prakash Ram and Jai Prakash Ram killed Abdul Aziz. It is further submitted that there is no other material to show the complicity of the petitioner in the case. The petitioner is not the assailant of the deceased. Even there is no evidence that the petitioner conspired along with other accused persons to kill Abdul Aziz.

Learned Additional P.P. vehemently opposed the prayer for bail.

Considering the facts aforesaid and the fact that the petitioner is not named in the F.I.R., name of the petitioner figured in the case in the confessional statement of Hasrat Khan as the person who disclosed the name of Jai Prakash Ram and Jai Prakash Ram killed the deceased, the petitioner above named 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 Chief Judicial Magistrate I, Bagaha, West Champaran in connection with Bagaha P.S. Case No. 446/2016.

(Prabhat Kumar Jha, J.)

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