

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12472 of 2017

Arising Out of PS.Case No. -222 Year- 2016 Thana -BARHARIA District- SIWAN

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Gafar Miya @ Md. Gafar S/o Jabbar Miya @ Abdul Zabar Ansari, Resident
of Village- Mahal, P.S.- Jamo Bazar, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
Mr. Sanjay Kumar @ Manu, Adv.
Mr. Raj Kishore Prasad, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 11-04-2017 Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection with Barharia Police Station Case No. 222 of 2016. The petitioner was not named in the F.I.R. lodged under Section 307 and other allied sections of the Indian Penal Code, but later on when the deceased died, section 302 of the Indian Penal Code was inserted.

It has been submitted on behalf of the petitioner that he has been falsely implicated in this case as a title suit i.e. Title Suit No. 361 of 2003 is going on between the parties and further it has been submitted that in paragraph-101 and 102 of the case diary, the informant has not named the petitioner as the assailant of the deceased and so far the allegation is concerned, there are general



and omnibus allegation and allegation of assault is attributed to some other accused persons.

Heard learned Additional P.P. also.

Having heard both sides and in view of above facts and circumstances, let the petitioner, above named, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty five thousand) each 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. 222 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions that the petitioner shall co-operate in the investigation and make himself available before the police as and when required and in the event of failure on his part to appear before the police on two consecutive dates, the prosecution shall be free to move for cancellation of his bail bonds and further petitioner will not induce any witness or tamper with the evidence.

(Vinod Kumar Sinha, J)

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