

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55672 of 2016

Arising Out of PS.Case No. -200 Year- 2016 Thana -KUCHAIKOTE District- GOPALGANJ

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Mohammaddin Mian @ Mohemmeddin Miyan Son of Atar Mian @ Atar
Miyan, resident of Village:- Baluan Sagar, P.S.- Bishwambharpur, District-
Gopalganj, Bihar. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 31-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Kuchaikote
P.S. Case No.200of 2016 registered for the offences punishable
under Sections 120B, 302, 201/34 of the Indian Penal Code.

Allegedly, Jitan Yadav @ Jitendra Kumar Yadav, the son
of the informant, went with Bhola Miyan and thereafter, he did not
return back and on search the dead body was found hanging on
Gullar tree situated in the filed of Munna Chaubey and it is
alleged that Bhola Miyan in conspiracy with other unknown
persons committed the murder of the son of the informant and in
conspiracy hanged the dead body on the tree. During investigation
the name of the petitioner transpires in the confessional statement
of Bhola Miya and further the witness Dhrub Chaurasia also stated



regarding the hand of the petitioner in the crime vide paragraph 89 of the case diary.

Submission is of false implication and that the petitioner is not named in the first information report, there is no evidence in the case diary against the petitioner, the name of the petitioner has come in the confessional statement of Bhola Miyan which has got no evidentiary value in the eye of law, the statement of Dhruv Chaurasia is not like an eye witness rather hearsay, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence. The petitioner is suffering in custody since 14.10.2016 and as such he deserves sympathetic consideration.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the name of the petitioner has come during investigation and he was involved in the killing of the deceased. Dhurb Chaurasia stated regarding hands of the petitioner also and as such he does not deserve sympathetic consideration.

In the facts and circumstances stated above, considering that there is no eye witness of the occurrence, in the confessional statement of Bhola Miyan name of the petitioner transpired and further chargesheet has already been submitted and there is no



chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Kuchaikote P.S. Case No. 200 of 2016, subject to the conditions that one of the bailors must be a 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)

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