

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1140 of 2017

Arising Out of PS.Case No. -48 Year- 2014 Thana -BELCHAR District-
WESTCHAMPARAN(BETTIAH)

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Sibu Mian @ Sibu Ali @ Sibu Ahmad, Son of Md. Jamil, resident of
Mohalla- Koeri Tola, P.S.- Bettiah Town, District- West Champaran.

.... Appellant

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate

For the Respondent/s : Smt Usha Kumari No-1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 28-06-2017 Heard learned counsel for the appellant and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 9.3.2017 passed in B.P. No. 337 of 2017 by
Additional Sessions Judge-II-cum-Special Judge, SC/ST Act,
West Champaran, Bettiah, arising out of Balthar P.S.Case No. 48
of 2014 registered for the offences under Sections 302, 120B/34 of
the Indian Penal Code, 27 of the Arms Act and 3(ii)(v) of
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act and for grant of bail to the appellant.

Appellant is not named in the FIR and later on it
appears that his name transpires during course of investigation.

It has been submitted on behalf of the appellant that



except suspicion as there was some occurrence prior to six years, there is nothing specific against the appellant nor he was last seen with the deceased and he is in custody for four months.

Learned Special P.P. has opposed the prayer for bail.

Having heard both sides and considering the facts and circumstances as above, this appeal is allowed and the impugned order is set aside. Appellant is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri S.D.Bharti, Additional Chief Judicial Magistrate-VII, West Champaran, Bettiah, in connection with Balthar P.S.Case No. 48 of 2014, subject to the conditions that one of the bailors should be a local person having sufficient immovable properties within the jurisdiction of court concerned and he will appear on each and every date in court, failing which his bail bond shall be cancelled.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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