

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51566 of 2018

Arising Out of PS.Case No. -306 Year- 2016 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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Gyasuddin Ansari, Son of Nazir Ansari, resident of village - Semari
Bhawanipur, P.S. Nawalpur (Jogapatti), District - West Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Brij Kishor Mishra, Advocate.

For the Opposite Party : Mr. Ajay Kumar-1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
16.05.2018 in a case for the offence registered under Sections 302
of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that one Shyamdeo
Giri was living with the informant since 1970 as servant and used
to serve the informant. On 13.06.2016 at about 10.00 P.M., said
Shyamdeo Giri due to hot season after taking meal slept at the
Verandah of the house. The informant at about 5.30 A.M. tried to
get awoke him but he did not wake up and after sometime
informant again tried to get him awoke but in vain. After that the



informant told a woman to get him awoke then she told that he is dead and is stained in blood. It is further alleged that people gathered over there and one Pamphlet of *Royal Group* and a bullet was found. The said Shyamdeo Giri was shot dead by bullet on his forehead.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. His name has come on the basis of confessional statement of co-accused. Except for confessional statement of co-accused, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no eye witness to the alleged occurrence nor there is circumstantial evidence to suggest the participation of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Bettiah, West



Champan, in connection with Bettiah Town P.S. Case No. 306
of 2016.

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(Sudhir Singh, J)

