

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.72616 of 2018

Arising Out of PS. Case No.-5 Year-2018 Thana- HARSIDHI District- East Champaran

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ASHIK ALI @ ASHIK MIAN, S/o Amirudh Mian @ Amarud Mian, resident
of Village- Mathlohiyar Noniya Toli, P.S. Harsidhi District East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No. 2, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-12-2018 The petitioner seeks bail in anticipation of his

arrest in connection with Harsidhi P.S. Case No. 05 of

2018, dated 05.01.2018, instituted for the offences under

Sections 302 and 201/34 of the Indian Penal Code.

The son of the informant did not return till late
in the night. This made him search for him and he found
two persons, viz., Ramjan Mian and his associate moving
in a suspicious/nervous circumstance.



The learned counsel for the petitioner has submitted that the petitioner has not been named in the F.I.R. nor any suspicion has been raised against him. Later, during the course of investigation, the informant was of the view that the police was soft handling the investigating and hence a protest petition was filed in which thirteen persons have been named on suspicion. The aforesaid protest petition has been brought on record by way of Annexure-2 to this petition, which indicates that without giving any reason, the informant has suspected the hands of the petitioner and about twelve others in the murder of his son.

During the course of investigation, one Amrud Mian is said to have named the petitioner also along with him as having participated in the occurrence.

Mr. Dhannjay Kumar No. 2, the learned Advocate for the petitioner has submitted that the name of the petitioner has only been taken on suspicion and the confession of aforesaid Amrud Mian is only after he was put to extreme duress during the course of investigation



after his arrest. In fact, whatever material has come during the course of investigation is only on the basis of confession of aforesaid Amrud Mian.

The learned counsel for the petitioner has also drawn the attention of this Court to the fact that one of accused persons, who was also not named in the F.I.R., but his name was taken by the informant in the protest petition, has been granted anticipatory bail by a Bench of this Court *vide* order dated 03.12.2018 passed in Cr. Misc. No. 58989 of 2018.

Considering the facts aforestated as also taking into account that the petitioner does not have any criminal antecedents, he, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Harsidhi P.S.



Case No. 05 of 2018, subject to the conditions laid down
under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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