

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37949 of 2018

Arising Out of PS. Case No.-300 Year-2017 Thana- BARHARA District- Bhojpur

Idrish Miya @ Md. Idrish Miya S/o Late Abdul Miya, R/o Vill.- Matukpur,
P.S.- Barhara, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh

For the Opposite Party/s : Mr. Sri Narsingh Tanti

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
28.10.2017 in connection with Barhara P.S. Case No. 300 of
2017 for offences punishable under Sections 341, 323, 302, 34
of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he had objected to take water, the petitioner's son
Chhotu Mian got angry and thereafter threatened him. Specific
allegation upon the petitioner is that he was the order giver on
which co-accused Chhotu Mian stabbed the informant's son.
Another co-accused Langar Mian is alleged to have caught the
deceased son of the informant.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He was not the main assailant and another co-accused Langar Mian has since been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 29417 of 2018 vide order dated 16.05.2018. Petitioner undertakes to co-operate in the trial and not to tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Barhara P.S. Case No.300 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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