

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11929 of 2019**

Arising Out of PS. Case No.-46 Year-2018 Thana- SIDHWALIYA District- Gopalganj

=====

ALTAF MIAN @ ALTAF ALAM, Son of Saiyed Alam, Resident of Village -
Supauli, P.S.- Sidhwalia, Distt.- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh
For the Opposite Party/s : Mr.Nand Kishore Prasad

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-02-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection
with Sidhwalia P.S. Case No. 46 of 2018 registered for the
offences punishable under Section 302/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that from
the narration of the facts in the fardbeyan of the informant it
would appear that the brother of the informant had indulged in
fighting with one Halim Mian. It is alleged that during the
alleged fight with Halim Mian altogether five persons including
this petitioner had reached at the spot and had indulged in
giving fists blow upon the brother of the informant. Thereafter,
the villagers intereved and informant along with his brother



returned to home. It is alleged that the brother of the informant was sleeping in the hut during night hours, but in the morning when the informant went to see him he was found dead.

Learned counsel submits that a learned coordinate Bench of this Court had occasion to consider the prayer for anticipatory bail of Halim Mian and co-accused Saiyad Alam and Amjad Mian, even case diary was called for and it was found that in course of investigation the police had found that the deceased was a drunkard and because of excessive consumption of wine he died. Learned counsel submits that no one has seen the occurrence of actual murder and taking note of this fact the learned coordinate Bench of this Court had granted the privilege of anticipatory bail to Halim Mian and others in Cr.Misc.No.56539 of 2018.

Learned APP for the State is present and has opposed the prayer for anticipatory bail, but going through the FIR learned APP is unable to distinguish the case of the petitioner from that of Halim Mian and others.

In the aforesaid view of the matter, considering the facts and circumstances of the case, the nature of the allegations and that the order of the learned coordinate Bench of this Court, in case of arrest or surrender of the petitioner within a period of



four weeks from today, the abovenamed petitioner shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Gopalganj in connection with Sidhwalia P.S. Case No. 46 of 2018, subject to the condition that petitioner shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

