

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19419 of 2019

Arising Out of PS. Case No.-255 Year-2016 Thana- JHAJHA District- Jamui *

MD. RAHIM @ RAHIM MIAN @ MD. RAHIM AALAM @ RAHIM KHAN, Son of Maulana Hussain, Resident of Village - Adsar, P.S. and Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-04-2019 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 11.12.2018 in a case registered for the offences punishable under Sections 302, 201 and 120B/34 of the IPC.

The prosecution case, as per the fardbayan of Md. Farid Ansari @ Farid Miyan, dated 08.01.2016 at 03.40 P.M. recorded by Md. Mazhar Maquebool, S.I. of Jhajha P.S. is to the effect that on 08.11.2016 at about 04.00 A.M., Md. Jahir Ansari, the neighbour of the informant came and asked the son of the informant, Rasid Ansari to drop him at Jhajha Railway Station as he was to go to Delhi and thereafter, both of them went for



Salaiya from where Md. Jahir was to take motorcycle. Subsequently, all the FIR named accused persons including the petitioner followed the son of the informant and his neighbour Md. Jahir. When the son of the informant did not return by afternoon, then the informant tried to contact his son on mobile phone but his son's mobile phone could not be connected. It is further alleged that on 02.30 P.M., the informant received an information that near Jamukhiya in Islamnagar forest, two dead bodies are lying, out of which, one is of Rasid Ansari, the son of the informant and other is of Md. Jahir, the neighbour of the informant. Thereafter, the informant went on the spot and found the dead bodies of his son Rasid Ansari and his neighbour, Jahir Ansari. It is also alleged that the son of the informant and one Choba Miyan were made accused in a murder case and thereafter, the son of the informant was absconding and the relatives of Choba Miyan including the petitioner used to give life threat to the son of the informant.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled against the petitioner and there is no eye witness to the alleged occurrence. It is further submitted that in fact, there are two persons with the name Rahim Mian and the allegation of last



seen of the deceased with the persons namely Rahim Mian is against the other Rahim Mian, son of Jabbar Mian and not against the petitioner, who is alleged to have followed the victim when they left their houses. Moreover, the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in three other cases apart from the present one but in all those cases, he is on bail.

It is submitted by the learned APP for the State that the petitioner along with other co-accused used to give life threat to the son of the informant and subsequently, the son of the informant was killed hence, the reasonable presumption for involvement in the said offence is against the petitioner.

Considering the suspicious nature of accusation and the fact that the investigation has already been concluded, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **SDJM, Jamui** in connection with **Jhajha P.S. Case No.255 of 2016.**

(Dinesh Kumar Singh, J)

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