

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79479 of 2018

Arising Out of PS. Case No.-219 Year-2018 Thana- GOPALPUR District- Bhagalpur

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1. Md. Irshad @ Kailu Miyan @ Mohammad Irsad and Anr
 2. Md. Asfak @ Asfak Miyan @ Mohammad Riyas Both sons of Md. Camru Miyan @ Md. Riyasat both resident of Village- Abhiya Bazar, P.S. Gopalpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar, Adv
	:	Mr. Raghwendra Pratap Singh, Adv
For the Opposite Party/s	:	Mr. Sri Aditya Narayan Singh 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 06-02-2019 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners, who are in custody, seek bail in connection with Gopalpur P.S. Case No. 219 of 2018 registered for the offence punishable under Sections 302, 120(B), 34 of the Indian Penal Code.

Informant who is the father of deceased has stated in his fardbeyan that on 14.06.2018 at 10.PM his son after taking meal went to sleep on the roof and in the morning of 15.06.2018 the neck of his son was found to be slit, as a result of which he died. He has further stated that his son used to look after all the family affairs and there was a dispute with respect to 7 decimals



of land with former Sarpanch Suman Kumar Chaudhary @ Buchkuch Choudhary. He has further stated that his son had gone to the orchard on the previous day where four accused including petitioners assaulted his son and threatened to kill him, as such he has raised suspicion against FIR named accused including petitioners of killing his son.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case only on the basis of suspicion and land dispute. There is no eye witness of occurrence. Petitioners have no criminal antecedent and they are in custody since 24.10.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Naugachia, Bhagalpur, in connection with Gopalpur P.S. Case No. 219 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient



reason the trial court will be at liberty to cancel their bail bonds.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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