

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80034 of 2018

Arising Out of PS. Case No.-215 Year-2018 Thana- CHANPATIA District- West Champaran

Bachcha Seikh @ Bachcha Babu @ Abdullah S/o Late Abbas Master R/moh-
Chhawani,P.S-Bettiah Town,Kalibagh O.P Distt.-West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Baxi S.R.P. Sinha, Sr. Adv. Mr. Vijay Kr Singh No. 1, Adv.
For the informant		Mr. Brij Kishore Mishra, Adv.
For the Opposite Party/s :		Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 18-01-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in connection with Chanpatia
P.S. Case No. 215 of 2018 registered under Sections 302 and
201/34 of the Indian Penal Code.

Son of the informant, namely, Shamim Khan had
entered into an altercation with Sahil and other co-accused, ten
days preceding to the occurrence and both the accused persons
had given threatening of dire consequences to him and ten days
later to the occurrence dead body of Samim was found near the
Chanpatia railway track near the electricity grid. During course
of investigation one Abdulla has divulged that the daughter of



the petitioner was in love with the deceased and due to which, the petitioner hatching conspiracy got eliminated the deceased and dumped the dead body near the railway track to give the colour of accident.

It is submitted by the learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has no concern with the aforesaid occurrence. Earlier on finding the dead body of Samim on railway track, U.D. Case was registered on 20.09.2017 on the basis of fardbeyan of the Choukidar of P.S. Chanpatia. Subsequently on the statement of one Abdulla, who happens to be agnate of the petitioner and with whom land dispute is pending since long and Samadhi of the petitioner has also lodged a criminal case against him on 30.06.2018 this case has been lodged after a long and abnormal delay of ten months on 01.06.2018 and again FIR was sent to the court after abnormal delay of four days on 05.06.2018 without assigning any plausible and convincing reason for the aforesaid delays. Petitioner is not named in he F.I.R. There is no eye witness of the occurrence. Though three criminal cases have been lodged against the petitioner by the aforesaid witness, namely, Abdulla but petitioner is on bail in the aforesaid cases. Petitioner has been languishing in custody



since 25.10.2018.

On the other hand learned APP and learned counsel for the informant opposing the bail petition submitted that it is the petitioner with whose conspiracy deceased was eliminated and dead body was thrown on the railway track as the daughter of the petitioner was in love with the deceased.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 215 of 2018.

(Prakash Chandra Jaiswal, J)

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