

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27477 of 2019

Arising Out of PS. Case No.-175 Year-2008 Thana- BAIRIYA District- West Champaran

Nehal Mian @ Sk. Nihal Son of Late Abbas Mian Resident of Village-
Shivrajpur, Ward No. 7, P.S.- Nautan, District- West Champaran ..Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner :Mr.Sanjay Kumar No 7, Advocate

For the Opposite Party : Mr.Anand Kishore Choudhary, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-09-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 302, 201, 34 and
120B of the Indian Penal Code and section 27 of the Arms Act.

Informant's case is that on 01.12.2008 at 11 A.M., her
husband and her son were coming from Village Sumali with cut
crops loaded on a tractor being driven by her husband, whereas
her son was sitting on the trailer of the tractor. The informant
along with her daughters were also returning from the
agricultural field when at 11.30 A.M., the informant heard the
sound of gunshot, whereupon the informant along with her
daughters reached near the tractor and saw all the F.I.R. named
accused persons and some unknown persons armed with deadly
weapon and found her husband dead with gunshot injuries.



Consequently, the F.I.R. was lodged against four persons, namely, Sanjay Yadav, Nagendra Yadav, Reena Devi and Jayprakash Yadav. On conclusion of investigation, chargesheet was submitted vide Chargesheet no. 103 of 2009, on 30.10.2009, as contained in Annexure-2, against co-accused Reena Devi and Sudama Singh for the offences punishable under Sections 302 and 120B/34 of the IPC and Section 27 of the Arms Act, but both the chargesheeted accused were being put on trial and subsequently were acquitted vide judgment dated 15.02.2012, passed by learned Addl. Sessions Judge, F.T.C.-IV, Bettiah, West Champaran in S. Tr. No. 185 of 2010. After their acquittal, second charge sheet, being Charge sheet No. 371 of 2015 was submitted on 14.10.2015, as contained in Annexure-4, against 6 accused persons including the petitioner for the offence punishable under Sections 302 and 120B/34 of the IPC and Section 27 of the Arms Act and consequently, the order of cognizance was passed. Hence, the present application has been filed with a prayer for grant of anticipatory bail.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the F.I.R. and his name subsequently came during investigation and after seven years of investigation being concluded and after three years of acquittal



of the first chargesheeted accused, second chargesheet has been submitted against the petitioner and other accused persons in the year 2015. Similarly situated co-accused Jawahar yadav and Jata Yadav have already been allowed anticipatory bail by this Court vide order dated 12.3.2019, passed in Cr.Mis.No. 14934 of 2019. petitioner has got no criminal antecedent.

Considering the facts of the case, let the petitioner, above named, in the event of arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in Bairiya Police Station Case No. 175 of 2008, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully co-operate with the investigation and trial of the case, failing which the Court below shall be at liberty to cancel the bail bond of the petitioner.

(Prabhat Kumar Singh, J)

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