

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33267 of 2019

Arising Out of PS. Case No.-71 Year-2018 Thana- VALMIKINAGAR District- West
Champaran

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Nezamuddin Miyan @ Nijamuddeen @ Mainuddin Mian @ Gudaki Mian
Son of Late Rasul Mian Resident of Village- Hariharpur, P.S.- Khadda,
District- Kushinagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Umeshanand Pandit

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

ORAL ORDER

2 21-05-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 302/34 of the Indian Penal
Code.

The mother of the informant is said to have been
murdered by some unknown miscreants and petitioner and four
other accused persons are suspected in the said occurrence as
they had earlier assaulted and extended threatening of dire
consequences to her mother blaming her of bad character lady.

It is submitted by learned counsel for the petitioner that
no such occurrence as alleged ever took place. The petitioner



has committed no offence and has no concern with the aforesaid occurrence. He has been falsely implicated in this case. There is no eye witness of the occurrence. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. As a matter of fact, the deceased was of bad character lady and she might have been murdered by some other person having visiting terms in her house. Some witnesses have also stated that several people have visiting terms in her house and murder might have been committed due to her immoral activity. Co-accused, namely, Rasul Mian and another have been enlarged on bail by a co-ordinate Bench of this court vide order dated 26.04.2019 passed in Cr. Misc. No. 8725 of 2019. The petitioner has no criminal antecedent and has been languishing in custody since 18.03.2019.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Bagaha, West Champaran in connection with Valmikinagar P.S. Case No.71 of 2018, subject to the condition that the petitioner shall fully cooperate with the



investigation/trial of the case, failing the learned Court below
shall be at liberty to cancel the bail bond of the petitioner.

(Prakash Chandra Jaiswal, J.)

Trivedi/-

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