

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1649 of 2020

Arising Out of PS. Case No.-489 Year-2018 Thana- GHORASAHAN District- East
Champaran

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Sonu Miyan Son of Shahabjan Miyan @ Sahabajan Miyan Resident of
Village- Golapakadiya Tola Darjiya, P.S.- Lakhaura, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 7422 of 2020

Arising Out of PS. Case No.-489 Year-2018 Thana- GHORASAHAN District- East
Champaran

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Reyaz Miyan Son of Molazim Miyan Resident of Village - Golapakariya Tola
Darjiya, P.S.- Lakhaura, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 1649 of 2020)

For the Petitioner/s : Mr.Dilip Kumar Tondon

For the Opposite Party/s : Mr.Dashrath Mehta

(In CRIMINAL MISCELLANEOUS No. 7422 of 2020)

For the Petitioner/s : Mr.Dilip Kumar Tondon

For the Opposite Party/s : Mr.Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 28-05-2020 Since both the aforesaid cases arise out of same

F.I.R., both cases were taken up together for considering the

prayer for bail.

Heard learned counsel for the petitioner(s) as well as

learned A.P.P. for the State in both case through video



conferencing.

This relates to grant of bail in Ghorasahan (Lakhaura) P.S. Case No. 489 of 2018, registered for the offence under Sections 302, 120(B)/34 of the Indian Penal Code.

The prosecution case, as per F.I.R., is that the son of informant was last seen going with petitioner of both cases on 09-12-2018 at about 8:00 PM and thereafter, on 10-12-2018 in the morning, the son of informant was found dead near the road. It is further alleged that petitioners alongwith 9 other accused persons killed the son of informant.

It is submitted on behalf of petitioners that there is no eye-witness to the occurrence and petitioners have falsely been implicated due to previous rivalry. Petitioners have been made accused only on the basis of last seen with the deceased. It is further submitted that petitioners have no criminal antecedent and they are in custody since 23-08-2019.

However, learned counsel for the informant as well as learned State counsel have vehemently opposed the bail applications. Learned counsel for the informant submits that due to old enmity between petitioners and deceased, the petitioners alongwith others have committed the murder of son of informant.



Having heard learned counsel for the parties and considering the fact that save and except petitioners were lastly seen with deceased, there is nothing against petitioners as also there is no eye-witness to the occurrence, the bail applications are allowed.

Let the above-named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikrahna at Dhaka, East Champaran in connection with Ghorasahan (Lakhaura) P.S. Case No. 489 of 2018 on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J.)

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