

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33053 of 2021

Arising Out of PS. Case No.-673 Year-2019 Thana- JAMUI District- Jamui

Md. Sahbaj Mian @ Sahwaj Mian, son of Sarfraj, resident of village- Azad Nagar, Pusani Bazar Jamui, P.S.- Jamui, District- Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 30-09-2021 A supplementary affidavit has been filed on behalf of the petitioner to the effect that inadvertently, the name of the petitioner has wrongly been typed as Md. Sahnaj Mian in place of Md. Sahbaj Mian @ Sahwaj Mian.

On the ground mentioned in the supplementary affidavit, the name of the petitioner be read as Md. Sahbaj Mian @ Sahwaj Mian in place of Md. Sahnaj Mian.

Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in a



case registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the F.I.R is that the brother of the informant was killed by the accused persons. Earlier, the wife of the deceased has filed a case against the deceased and his family members and when the deceased went Giridih Court to make *pairvi* of his case, he has been assaulted by his father-in-law and brother-in-law. The accused persons also threatened of dire consequences in future. Hence, the informant raised a suspicion against the in-laws of the deceased that they might have killed the victim.

It has been submitted on behalf of the petitioner that petitioner has been implicated in this case on his confessional statement and except confessional statement, there is no any other incriminating material against him. There is no eye witness to the occurrence and in the background of matrimonial dispute, he has



been implicated in this case only on suspicion. The petitioner is in custody since 21.12.2020.

Considering the fact that petitioner has not been named in the F.I.R and his name subsequently sprang up during investigation and the period under custody, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, in connection with Jamui P.S. Case No. 673 of 2019, subject to conditions that:-

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

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.



(3) If the petitioner 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
petitioner.

(S. Kumar, J)

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