

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23367 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- TURKAULIYA District- East Champaran

Dabalu Khan @ Sahid Miya Son of Wazir Miya Resident of Village-
Majuraha, P.S.- Raghunath Pur, Distt- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s : Dr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 15-01-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection with Turkauliya
(Banjariya) P.S. Case No. 45 of 2020 initially registered for the
offences punishable under Sections 341, 323, 326, 307 and
120-B read with 34 of the Indian Penal Code and later on
Section 302 was added and Section 27 of the Arms Act.

According to the prosecution case, while the
grand-father of the informant was coming to his house after
taking milk from the house of Satyanaryan Jee, three miscreants
riding on two motorcycles opened fire causing injury to him and
in course of treatment at Rahmaniya Hospital he died.

Learned counsel appearing for the petitioner
submitted that the petitioner is not named in the FIR and the



police apprehended him on the basis of confessional statement of the daughter-in-law of the deceased, namely, Usha Devi. He contended that save and except the confessional statement of co-accused Usha Devi, there is no other material to connect the petitioner with the alleged offence. He further contended that even in the confessional statement, it is one Rohit Kumar, who is alleged to be close to the daughter-in-law of the deceased with whom, she got her father-in-law murdered. He next contended that the evidences collected during investigation does not inspire any confidence and, on the basis of such materials, the prosecution cannot succeed in proving the case against the petitioner. The petitioner is absolutely innocent and has not committed any offence and it appears that Rohit Kumar or daughter-in-law of the deceased had mischievously given his name to the police as one of the persons involved in the commission of the crime. Lastly, he contended that the petitioner is in custody since 15.02.2020 and having got roots in the society, he is not likely to abscond or tamper with the evidence.

Learned counsel for the State opposed the application for grant of bail to the petitioner. He contended that the daughter-in-law of the deceased has taken name of the petitioner



and one Rohit Kumar in her confessional statement before the police. He contended that the accused Usha Devi got the murder of the deceased committed by the petitioner through co-accused Rohit Kumar.

Having regard to the nature of the offence, the materials collected during investigation and the submissions advanced on behalf of the parties, the petitioner is directed to be released 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 learned S.D.J.M., Sadar Motihari, East Champaran in connection with Turkauliya (Banjariya) P.S. Case No. 45 of 2020.

(Ashwani Kumar Singh, J)

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