

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29719 of 2020

Arising Out of PS. Case No.-114 Year-2018 Thana- SIMRA District- West Champaran

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BABLU MIAN @ SALAUDDIN (Male), aged about 36 years, Son of Lal Babu Mian @ Lal Mohammad, Resident of Village-Bairati, P.S.- Semra (Chiutaha), District-West Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Kumar Malendu, Advocate.
For the Opposite Party : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-01-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

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

The petitioner seeks bail in a case for the offence registered under Section 364 (A) of the I.P.C.

The prosecution story, in brief, is that the son of the informant, namely, Sudarshan Bin, went to call of nature on 15.08.2018 at about 8.00 A.M. near the Mani, in the meantime, six accused persons namely, Gheghan Mian, Imamuddin Mian, Bablu Mian (petitioner), Lal Babu Mian, Firoj Khan and Nurul



Khan killed him and threw the dead body in the paddy field of Neshar Khan, while the second son of the informant, namely, Chhotu Bin made search for his brother, after two hours, he looked out the dead body, then he returned to his house and informed the informant, on this information, the informant alongwith family members reached at Mani, then they looked that the accused Bablu Mian (petitioner), Lal Babu Mian were carrying the dead body of the informant's son and entered into the field of Firoj Khan. When the accused persons looked the informant party they threw the dead body and fled away.

Earlier bail applications of the petitioner were rejected vide Cr. Misc. No. 70398 of 2018 under order dated 03.12.2018 and Cr. Misc. No. 43976 of 2019 under order dated 03.03.2020 by the then another Co-ordinate Benches of this Court. In Cr. Misc. No. 43976 of 2019, vide order dated 03.03.2020, the Court had directed the learned court below to expedite the trial.

This is third attempt on behalf of the petitioner for grant of bail. The present stage of the case has been called for. Charge has not been framed. There is no chance of trial being concluded in near future.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 16.08.2018.



Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Only evidence against the petitioner is that he was seen carrying the dead body of the son of the informant. Except for this, there is no other substantive evidence to suggest the participation of the petitioner for an offence under Section 302 of the I.P.C. Considering the material available on record, at best, it is a case for an offence under Section 201 of the I.P.C. The petitioner has remained in custody for more than two years.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Bagha, West Champaran in connection with Semra (Cheutaha) P.S. Case No. 114/18.

(Sudhir Singh, J)

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