

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36243 of 2020

Arising Out of PS. Case No.-332 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

HASIBUDDIN AHMAD@HASMUDDIN MIAN son of LATE MOHD
ASHIQUE MIAN Resident of Ramapali, P.S.- Siwan (Muffasil) District-
Siwan.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Y.C.Verma, Senior Advocate. Mr. Manish Kumar No.3, Advocate. Mr. Rohit Kumar, Advocate.
For the State	:	Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

5 15-11-2021 The applicant/accused in Crime No.332 of 2020 registered with Police Station- Siwan (Muffasil) for the offences punishable under Sections 302/120B/34 of the Indian Penal Code read with Section 27 of the Arms Act at the instance of the first informant Jhuna Chaudhary by this application is seeking enlargement on regular bail.

Heard learned Senior counsel appearing for the applicant/ accused.

He argued that the case of the applicant is on par with the co-accused Nitish Kumar Singh and Atiullah Sah alias Atimullah Shah, who are released on bail vide orders passed in Criminal Misc. Nos.5703 of 2021 and 14211 of 2021. Learned



Senior counsel further argued that except suspicion expressed by the first informant, there is no iota of evidence against the applicant to infer his complicity in the crime in question.

Learned Additional Public Prosecutor opposed the application by contending that all accused persons hatched conspiracy and eliminated Birendra Kumar Yadav on 19.07.2020.

I have considered the submissions so advanced and perused the orders passed by this Court releasing the co-accused Nitish Kumar Singh and Atiullah Sah alias Amitullah Shah on bail.

Similary, I have also perused the materials on record including the First Information Report.

The First Informant alleged that the present applicant made telephonic call to his brother Birendra Kumar Yadav (since deceased) at about 2.00-2.30 P.M. on 19.07.2020 and, thereafter, said Birendra Kumar Yadav was found dead in the premises of Bharat Furniture at about 05.00 P.M.

Prima facie, it is seen that there is no direct evidence against the applicant/accused to infer his complicity in the crime in question. No incriminating material has been pointed out on behalf of the prosecution accusing the finger against the



applicant/accused which may indicate commission of the subject crime by him.

In this view of the matter, the application is allowed. The applicant/accused in Crime No.332 of 2020 registered with Police Station- Siwan (Muffasil) for the offences punishable under Sections 302/120B/34 of the Indian Penal Code read with Section 27 of the Arms Act be released on bail on executing P.R. bond of Rs.15000/-(Rupees Fifteen Thousand) on furnishing surety in the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(A. M. Badar, J)

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