

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35573 of 2020

Arising Out of PS. Case No.-29 Year-2018 Thana- ARA RAIL P.S. District- Bhojpur

Md Naim Miyan @ Naim Miya Aged about 42 years son of late Amin Miya
Resident of Village- Dharhara, Ara, P.S.- Ara (Town), District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ravindra Kumar, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 08-02-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in Ara Rail Police
Station Case No. 29 of 2018/ Sessions Trial No. 103/2019
registered for the offences punishable under sections
302/120b/34 of the Indian Penal Code.

As per the prosecution case, husband of the informant
along with Botal Bind went on motorcycle with co-accused
Asalam in the evening at about 5.30 pm to take tea at Ara
Railway Station Premises. Later on, dewar of the informant
informed her that somebody caused fire arm injury to his
brother, who was taken to Sadar Hospital, Ara. Thereafter, she
came to the Sadar Hospital and found her husband and Botal
Bind lying dead.

Learned counsel for the petitioner submits that the



name of petitioner has come in the case on the basis of confessional statement of co-accused Md. Aslam and there is no other material to indicate his complicity in the aforesaid crime. Test Identification Parade has not been carried out till date. Petitioner is in custody since 25.7.2019.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner has got criminal antecedent as he is accused in as many as nine cases, to which, learned counsel for the petitioner submits that the petitioner has already been acquitted in three cases.

In view of the nature of allegation against the petitioner as well as his criminal antecedent, prayer for bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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