

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38144 of 2020

Arising Out of PS. Case No.-126 Year-2020 Thana- MAIRWAN District- Siwan

Munna Miyan, S/o Late Mustaquim Miyan, Resident of Village- Imlauli, P.S.-
Mairawa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv.

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-02-2021 Heard both parties.

The petitioner seeks bail in Mairwa P.S. Case No. 126/2020, registered for the offences punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

As per prosecution case, son of the informant was taken away by co-accused Dhananjay Sahani on the pretext of call of nature. Later on, he came to know that his son has been murdered. The informant raised suspicion that co-accused Dhananjay Sahani along with his associates has committed murder of his son.

It is submitted that petitioner is not named in the F.I.R. Name of petitioner has come during course of investigation in the confessional statement of co-accused Dhananjay Sahani. There is no eye-witness to the occurrence. Save and except confessional statement of co-accused, there is no other material to indicate the complicity of the petitioner in the aforesaid crime. It has come



during investigation that motive of the occurrence is extra marital relationship between the deceased and the sister-in-law of co-accused Dhananjay Sahani. Charge-sheet has already been submitted. Petitioner is in custody since 30.04.2020 having no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, the petitioner, above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Siwan, subject to the following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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