

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4739 of 2022

Arising Out of PS. Case No.-242 Year-2021 Thana- KHAIRA District- Jamui

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Karu Mian @Karu Miyan Son of Late Hedayat Mian @ Late Hedayat Miyan
Resident Of Village- Milnitar, Nimatar Garhi, P.S. Khaira, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 30-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Khaira
P.S. Case No. 242 of 2021 registered for the offence under
Sections 364, 302, 201, 120(B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.07.2021.



The allegation against the petitioner is to commit murder of brother of the informant.

Learned counsel appearing on behalf of the petitioner submitted that the informant is not the eye witness of the occurrence and moreover, the present F.I.R. has been lodged after one month of the occurrence without having any explanation of delay. It is further submitted that the present F.I.R. is the improved version and afterthought for the reason that father of the deceased also lodged F.I.R. for the occurrence of 01.07.2021 i.e., Tisari P.S. Case No. 66/21 where no suspicion even raised against the petitioner. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that the present F.I.R. has been lodged after one month of the occurrence.

In view of the facts and circumstances, as mentioned above and considering the contradictory versions of the F.I.R., where informant is not the eye witness of the occurrence coupled with the fact that chargesheet has already been



submitted, let the petitioner, above named, is directed to be released on bail in connection with Khaira P.S. Case No. 242 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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