

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16710 of 2022

Arising Out of PS. Case No.-183 Year-2019 Thana- MUFFASIL District- West Champaran

Nanhe Mian @ Nanhaki @ Nabibullah S/O Late Sheikh Ahmad R/o village-
Sheikh Dhurwa, P.S.- Bettiah Muffasil (Manuapur), District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 30-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

According to prosecution case, in brief, is that after he
was informed on mobile regarding strangulation of his father
near pokhra in question during the night, he had reached at the
alleged place of occurrence with his co-villagers and had found
his father lying there dead. It has been alleged that the accused
persons including the petitioner herein used to demand extortion



money from the father of the informant.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of suspicion. He further submits that during investigation no incriminating material has come against the petitioner and similarly situated, co-accused whose name in the F.I.R. namely, Sheikh Aftab @ Bhagar Sheikh @ Bagar Sheikh has been granted bail by a co-ordinate Bench of this Court vide order dated 18.09.2020 passed in Cr. Misc. No. 17406 of 2020. The petitioner is in custody since 31.08.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bettiah Muffasil (Manuapul) P.S. Case No. 183 of 2019, subject to the following conditions:-



1. 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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