

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18460 of 2022

Arising Out of PS. Case No.-311 Year-2021 Thana- BANIAPUR District- Saran

Alhamaddin Mian @ Batohi Son Of Late Rahmat Miyan R/O Village-
Pirautakhas Gaura, P.S.- Baniyapur, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71762 of 2021

Arising Out of PS. Case No.-311 Year-2021 Thana- BANIAPUR District- Saran

Aslam Mian Son of Shahid Mian Resident of Village - Pirouta, P.S.- Baniapur,
District - Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18460 of 2022)

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 71762 of 2021)

For the Petitioner/s : Mr. Ajay Kr Singh No.1, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 11-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Baniyapur P.S. Case No. 311 of 2021 lodged under Sections
302/34 of the I.P.C.

As per the prosecution case, the informant has alleged

that his wife went to a nearby place for collection of fodder for her goat at 12:00 noon on 15.08.2021 but did not return till evening then he started searching and found dead body of her wife, on the basis of which the present case has been lodged against unknown persons.

Learned counsel for the petitioners submit that the present case has been filed against unknown accused persons. He further submits that during investigation, their name has figured in this case by virtue of having their relations with the informant's wife and informant's daughter. Learned counsel for the petitioners further submit that except suspicion, there is nothing found against them. Learned counsel for the petitioners further submit that one co-accused has been granted anticipatory bail vide order dated 29.08.2022 passed in Cr. Misc. No. 71593 of 2021 by the Co-ordinate Bench of this Court. Learned counsel for the petitioners further submit that petitioners are in custody since 30.10.2021 having clean antecedent. Charge sheet has already been filed.

Learned counsel for the State opposes the prayer for bail and submits that there are self-confessional statement of the accused persons but on the query that whether any weapon has been recovered which was used in the crime or not. He submits

that there is no such material available in the case diary.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is the petitioners who have committed this offence. He further submits that they have confessed their involvement in the crime before the police.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M. Saran at Chapra in connection with Baniyapur P.S. Case No. 311 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of

furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

prakashmani/-

U		T	
---	--	---	--