

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34323 of 2021

Arising Out of PS. Case No.-113 Year-2011 Thana- BIKRAMGANJ District- Rohtas

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FIROJ MIYAN S/O MOHAMMAD KALAM MIYAN R/O MOHALLA
GULJARBAG, P.S-BIKRAMGANJ, DISTRICT-ROHTAS.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 31-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 379 and 34 of the Indian Penal Code.

As per the prosecution case, the nephew of the informant who had proceeded on a tractor with sand loaded on it did not return and subsequently his dead body was found.

It is submitted by learned counsel for the petitioner that the F.I.R. was registered against unknown. The name of the petitioner transpired in course of investigation wherein one of the sisters of the deceased stated that the deceased had called her to state that he would not return home the said night. It subsequently transpired that the mobile number from which he



had called was registered in the name of this petitioner. It is submitted by learned counsel for the petitioner that no material has transpired in course of investigation to connect the petitioner with the alleged crime. There are no eye witness to the occurrence. The dead body of the deceased was found elsewhere in another village. In case the petitioner had any untoward intention, he would not have permitted his mobile phone to be used. The petitioner is in custody since 3.6.2020 and has no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the submissions made on behalf of the petitioner together with the petitioner having remained in custody for 1 year 7 months, the Court directs the petitioner to be enlarged on bail in connection with Bikramganj P.S. Case no.113 of 2011 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, Bikramganj, District-Rohtas.

It is directed that in view of the case being one of the year 2011, the petitioner shall remain physically present in



Court on each date of the case/trial and in case of the petitioner's absence on any date for reasons not to the satisfaction of the learned court below, the learned court below may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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