

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25422 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- BARHARIA District- Siwan

Imamul Haque @ Marla, Son Of Late Mahmood Alam R/O Village - Gausi
Hatta, P.S.- Barharia, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zeyaul Hoda, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Barharia P.S. Case No.99/2021 instituted under Sections
302, 201 of the Indian Penal Code.

As per the allegation in the FIR, the informant has
alleged that his father was sleeping and in the morning, the
informant came to know through the villagers that his dead body
is lying below the sand. Subsequently, they reached the place of
occurrence and found half of the body of his father in the sand
with some injuries on the head. Accordingly, FIR was lodged
against unknown.

Learned counsel for the petitioner submits that during



the investigation, one Salauddin Miya was apprehended and on his confessional statement, the name of the petitioner cropped up and accordingly he is in custody since 04.10.2021 (as stated in para-1 of the bail application) despite the fact that he has no criminal antecedent. He further submits that there is no eyewitness to the occurrence and only on the basis of the said confessional statement, he is languishing in jail.

Considering the aforesaid fact that the petitioner do not have any criminal antecedent and is in custody since 04.10.2021, charge sheet stands submitted and his name has come on the confessional statement of Salauddin Miya, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Barhariya P.S. Case No.99/2021 to the satisfaction of learned Additional Chief Judicial Magistrate, IIIrd, Siwan, subject to following conditions:

- (i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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