

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46991 of 2021

Arising Out of PS. Case No.-267 Year-2020 Thana- KALYANPUR District- East Champaran

Full Md. Miyan @ Full Mohammad @ Phool Mohammad Mian Son Of Sk.
Bhikhari Resident Of Village - Phulwariya, P.S.- Chakia, Distt.- East
Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Asif Kalim

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-01-2022 Heard the learned counsel for the petitioner and the
learned APP for the State through video conferencing.

The petitioner seeks bail in connection with
Kalyanpur P. S. Case No.267 of 2020, instituted for the offences
under Sections 302 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 08.01.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that the
informant alleges that her daughter Rubana Khatoon was
married to Bachcha Mian. After marriage, her daughter came to
know that Bachcha Mian was married from before to Shahina
Khatoon and from his earlier marriage had a son (Gulab Mian
and a daughter Rubana Khatoon). It is further alleged that



Bachcha Mian on 16.10.2020 came with the daughter of the informant (Rubana Khatoon) and started staying in the house of the informant.

It is next alleged that one Full Md. Miyan @ Full Mohammad @ Phool Mohammad Mian (petitioner), who is friend of Gulab Mian informed Bachcha Mian on 25.10.2020 that Gulab Mian was missing. Hence, it is alleged that Bachcha Mian along with his father-in-law (Shakil Mian) went in search of Gulab Mian to his village-Nadarva. It is next alleged that on 26.10.2020, the informant was informed again by Full Md. Mian that Bachcha Mian and Shakil Mian have been murdered and thus, it is alleged that on the basis of suspicion that Shahina Khatoon aggrieved by second marriage of Bachcha Mian got him and Shakil Mian killed in conspiracy with named accused persons including the petitioner.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case rather the petitioner in good faith had informed Bachcha Mian about missing his son Gulab Mian and later, when he came to know that Bachcha Mian along with Shakil Mian has been killed, he promptly informed the informant in good faith. The learned counsel further submits that the dead bodies were recovered



from the house of Bachcha Mian. The learned counsel submits that Full Md. Mian is said to be friend of Gulab Mian and as such, no useful purpose would be served by killing the deceased by the petitioner. The learned counsel for the petitioner further submits that the entire allegation hinges around suspicion.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody since 08.01.2021, he is a person with clean antecedent, charge-sheet has been submitted in the case and his name transpired on the basis of suspicion, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Kalyanpur P. S. Case No.267 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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