

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47864 of 2021

Arising Out of PS. Case No.-296 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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1. Salman Miyan @ Sanaullah @ Sheikh Sanaullah Son of Sheikh Amir Resident of Village- Majurahan, P.S.- Turakauliya, District- East Champaran.
 2. Muslim Miyan Son of Sujait Miyan Resident of Village- Majurahan, P.S.- Turakauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-03-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in a case registered for the offences punishable under Sections 302, 120-B/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, it is a case of murder of the father of the informant due to performing in panchayat work.

Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that in fact the petitioners were not arrested on the spot. He further submits that the police after investigation submitted final form against the petitioners (Annexure-4 of the supplementary affidavit) and the court below differing with the final form has taken cognizance against the petitioners vide order dated 15.06.2021. He further submits that similarly situated, co-accused, namely, Aasha Singh @ Jata Shankar Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 13.12.2021 passed in Cr. Misc. No. 46077 of 2021. The petitioner is in custody since 19.04.2021.

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

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Motihari Town P.S. Case No. 296 of 2021, subject to the following conditions:-

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

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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