

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48604 of 2021

Arising Out of PS. Case No.-687 Year-2020 Thana- SIKARPUR District- West Champaran

NAITULLAH S/o Hafiz Chudihar @ Hafij Miyan R/O Village - Belwa, P.S. -
Sathi, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-03-2022 Heard learned counsel for the parties.

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

As per the prosecution case, it is stated that the petitioner and two others came and threatened the son of the informant that he would be killed on coming out of his house. It is stated that once again at 6 pm the petitioner came, called and took away the informant's son with him. Thereafter the informant states that his son did not return and on the informant inquiring, they did not provide any information. Subsequently the dead body of the son of the informant was found in the agriculture field.

It is submitted by learned counsel for the petitioner



that from perusal of the FIR itself it would transpire that there is no eye witness to the occurrence. The story narrated in the First Information Report is unbelievable in so far as on one hand the informant states about serious threats being given by the accused persons including the petitioner herein and soon thereafter as alleged the son of the informant proceeded with the petitioner. The allegation against the petitioner is one of last seen. The petitioner is in custody since 20.12.2020 and has no criminal antecedent. As per instructions received charge has been framed against the petitioner in the learned trial Court and he undertakes to cooperate in the trial.

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 material that has transpired in course of investigation together with the petitioner having remained in custody for over 1 year, the Court directs the petitioner to be enlarged on bail in connection with S.Tr. no. 340 of 2021 (arising out of Shikarpur P.S. Case no. 687 of 2020) 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 Chief Judicial Magistrate, Bettiah, West Champaran.

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(Partha Sarthy, J)

