

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39605 of 2022

Arising Out of PS. Case No.-198 Year-2020 Thana- SULTANGANJ District- Bhagalpur

Md. Payare @ Tiyarwa @ Md. Piyarwa Son Of Md. Zakir Resident Of
Village - Kalali Tola, P.S.- Sultanganj, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-11-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Sultanganj P.S. Case No.198 of 2020 registered for the offences
punishable under Sections 302 and 201 of the Indian Penal
Code.

As per the prosecution, the informant's son Raja Modi
(now deceased) was murdered by some unknown persons and
his dead body was found on the alleged date at the alleged
place. The informant has alleged that his son had left the house
after attending a phone call and did not return back for two



days.

The main submissions advanced by the learned counsel Mr. Prithivi Raj Singh appearing for the petitioner are that the petitioner is not named in the FIR, after his arrest in the instant matter he was not put on Test Identification Parade by the Police, during the course of investigation the informant raised a suspicion against three co-accused persons namely Deva Modi, Niranjana Modi and Futush Modi but did not raise suspicion against the petitioner and the investigation has been completed against the petitioner and several similarly situated co-accused persons have been granted regular bail and anticipatory bail by different Benches of this Court vide orders passed in Cr. Misc. No.52982 of 2021, Cr. Misc. No.69456 of 2021, Cr. Misc. No.6721 of 2022 and Cr. Misc. No.42985 of 2021 respectively and the petitioner has been languishing in jail since 17.01.2021.

Learned APP Mr. Ram Bilash Roy Raman appearing for the State has opposed the bail prayer and submitted that the instant matter relates to murder of the informant's son but while opposing, the learned APP accepted that against the petitioner there is merely a suspicion raised by the informant during the course of investigation.



In view of above submissions and mainly considering the petitioner's custody period and also the facts that several co-accused persons carrying almost similar nature of allegation have been granted regular bail and anticipatory bail as mentioned in the Paragraph No.14 to 17 of the petition and as per the statement made in the petition the petitioner is stated to be a student, in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sultanganj P.S. Case No.198 of 2020.

(Shailendra Singh, J.)

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