

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49906 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- MUFFASIL District- West Champaran

BASHIR MIYAN S/o Late Moti Miyan Resident of Village - Hardiya, Purbari
Tola, P.S. - Bettiah Muffasil, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Bettiah Mufassil Police Station Case No. 153 of 2020,
registered for the offences punishable under Sections
302/201/34 of the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that the husband of the informant had gone to market
for purchasing medicines, but he did not return and on the
following day, his dead body was recovered from a canal. The
informant has raised suspicion against the petitioner and other
accused persons that due to previous land dispute, the
informant's husband has been done to death by the petitioner
and other accused persons.



Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case along with seven other accused persons and except the suspicion raised by the informant, no material has come against the petitioner to connect him with the present offence. He further submits that similarly situated co-accused persons, namely, Ishmohammad Mian, Raza Hussain, Mumtaz Mian and Amarul Khatoon (in Criminal Misc. No. 6367 of 2021) have been granted anticipatory bail and co-accused Raj Mohammad (in Criminal Misc. No. 37556 of 2020) has been granted bail by co-ordinate Benches of this Court. He further submits that the petitioner is in custody since 23.03.2021, having no criminal antecedent and charge sheet has been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner has got no criminal antecedent, he has been made accused on the basis of suspicion raised by the informant only, similarly situated co-accused persons have been granted bail by this



Court, charge sheet has already been submitted and the petitioner is in custody since 23.03.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, at Bettiah, in connection with Bettiah Mufassil Police Station Case No. 153 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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