

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55101 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- JHAJHA RAIL P.S. District- Lakhisarai

Kaiyum Miya @ Abdul Kaiyum Son Of Late Huro Miya R/O Village- Rajla
Orraiya, P.S.- Jhajha, District- Jamui

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-02-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with G.R.P.
Jhajha P. S. Case No.21 of 2021, instituted for the offences
under Sections 302, 201 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 15.07.2021, charge-sheet has been
submitted in the case and has antecedent of two cases.

The learned counsel for the petitioner submits that the
informant alleges that about 10 days back, there was a fight
between the children of the informant and the petitioner. It is
further alleged that the petitioner along with named accused
persons came to the house of the informant and on account of
fight between the children, threatened the husband (deceased) of



the informant that he would be killed and nothing will happen to him as he is a member of the Zila Parishad. Thereafter, it is alleged that on 21.02.2021, the deceased along with his named friends came to the shop of the informant and had dinner and thereafter, left with his friends and in the morning, a headless body was found near the railway track. The body was identified by the informant as that of the deceased. Thus, alleges that petitioner and named accused persons killed the deceased.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. From perusal of the allegation, it would manifest that the allegations are based on suspicion on the ground that the petitioner about 10 days back on account of fight between the children had come to the house of the informant and had threatened him of dire consequences. The learned counsel further submits that there is no eye witness to the occurrence and the name of the petitioner transpired only on the basis of suspicion. The learned counsel further submits that a person, who harbors grudge and intention to kill, would never come and threaten, so that if any, occurrence takes place, he gets implicated.

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



Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case, the allegation is based on suspicion and the informant is not an eye witness to the occurrence, 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 Railway Judicial Magistrate, Kiul in connection with G.R.P. Jhajha P. S. Case No.21 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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