

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61301 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- BHITAHA District- West Champaran

TEJMUL MIAN Son of Dilmahamad Mian Resident of Village- Machaha,
P.S.- Bhitaha, District- West Champaran.. .. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithvi Nath Mishra, Adv

For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 342, 307, 328, 302, 506, 34 of the Indian Penal Code.

According to FIR, there is allegation against the petitioner that he alongwith other FIR name accused took away son of informant namely Rahul Yadav and forcibly administered him poison. On information informant and his family members went there and his son narrated the whole incident. Thereafter informant took away his son to District Hospital, Parrauna for treatment from where he was referred to Gorakhpur but his son died in the way when he was being taken



to Gorakhpur.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that due to previous enmity, regarding competition of Tent business, the informant falsely implicated the petitioner in the present case. He further submits that it appears from the FIR that the allegation of administering poison, to the son of the informant, is against co-accused, namely, Uma Shankar Thakur. He further submits that it appears from the FIR that the informant is not eye witness of the alleged occurrence and F.S.L. Report reveals that the death of the victim is due to administer poison. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.06.2021.

On the other hand, learned counsel for the informant as well as learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is the master mind of the alleged occurrence.

Considering the aforesaid facts, let the petitioner, above named, 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 learned Court below where the case is pending in connection with Bhitaha Police Station Case No.126 of 2020, with the following conditions:-

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

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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