

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64191 of 2021**

Arising Out of PS. Case No.-165 Year-2021 Thana- PAHARPUR District- East Champaran

MUSLIM MIAN S/O HUSNAIN MIAN R/o village- Sareya Briti Dhangar
Toli, P.S. - Paharpur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 30-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 26.08.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that his elder brother was
married to Lal Muni Devi about 15 years back. Further, Lal
Muni Devi developed illicit relationship with the petitioner.
Further, it is alleged that the petitioner along with Lal Muni
Devi killed the elder brother of the informant by pressing his



mouth by pillow and also assaulted on his private parts.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and the informant is not an eyewitness to the occurrence. Learned counsel further submits that from the nature of allegation as alleged, it appears that it was the informant who committed the occurrence and took the same as an opportunity to implicate the petitioner along with Lal Muni Devi. It is submitted that the informant and the deceased are own brother, the wife of the deceased has been implicated in the present case and, as such, informant will be the sole beneficiary in absence of the wife of the deceased who was aware of the properties of the deceased. Learned counsel further submits that the marriage was 15 years old and in between those 15 years not a single complaint from the side of the deceased ever came to be instituted. Learned counsel further submits that it absolutely does not stand to reason that as to why the petitioner would have killed the deceased.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been



submitted and informant is not an eye witness and the entire allegation hinges on suspicion, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees 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 Paharpur P.S. Case No. 165 of 2021.

(Satyavrat Verma, J)

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