

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55666 of 2022

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

Md. Sahid Alam @ Shahid Miya @ KaruMiyan @KARU (Male) aged about 30 years, Son of Bithal Miya Resident of village- Thawa, P.S- Jhajha, District- Jamui

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Binay Kumar, Adv.
For the State : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-12-2022 This matter has been taken up today for consideration through video conferencing.

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

The petitioner seeks bail in connection with GRP Jhajha
PS Case No.21 of 2021 registered for the offence punishable
under Sections 302 and 201/34 of the Indian Penal Code.

The informant has alleged that there was a quarrel
between the informant's children and the children of co-
accused, namely Kaiyum Miya, 10 days prior to lodging of the
FIR, which has been lodged after recovery of the beheaded
body of her husband. On the eve of recovery, the informant's
husband had dinner with some other co-accused persons and
thereafter he had left along with them.



Learned counsel for the petitioner submits that the prosecution story itself manifests implication based on suspicion. Certain paragraphs of the case diary have been considered by the Additional District and Sessions Judge-1st *Lakhisarai*, while rejecting the petitioner's prayer. From the same, it is apparent that other than confessional statement of accused persons there is nothing to connect the petitioner with the alleged offence. The fact that Kaiyum Miya was a "*Parshad*" has been mentioned in the FIR, manifests implication based on extraneous consideration arising out of local politics. The co-accused persons, namely, Kaiyum Miya @ Abdul Kaiyum, Mukka Yadav @ Mukesh Yadav and Basudeo Turi have been allowed bail by co-ordinate Benches of this Court in Cr. Misc. Nos. 55101 of 2021, 6131 of 2022 and 7924 of 2022 respectively. The petitioner, having no antecedents is in custody since 17-08-2022.

Learned APP for the State has opposed the prayer for bail. He has submitted that several paragraphs of the case diary have been referred by the learned Additional District and Sessions Judge -1st Lakhisari, while rejecting the prayer.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions



advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 the learned Railway J.M., Kiul ,in connection with GRP Jhajha PS Case No. 21 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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