

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66856 of 2021**

Arising Out of PS. Case No.-81 Year-2002 Thana- MUNGER MUFFASIL District- Munger

MD. JIYAUDDIN S/O HAFIZ ALLAUDDIN R/o Village- Banaudha, P.S.-
Muffasil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Murli Dhar, APP

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

2 27-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Section 302 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 21.07.2021, is a person with clean antecedent and charges have been framed but the trial has not commenced.

Learned counsel for the petitioner submits that the informant alleges that on 07.05.2002 at 8:30 pm, his brother Md. Isha went to sleep in the cabin made in the field as usual, further on 08.05.2002, he went outside his house to attend nature's call, his brother Md. Isha was lying dead near the cabin



in the field and a lot of people gathered near his dead body. It is further alleged that he was shot on the left side of the head and blood was scattered near his dead body, thus based on suspicion, it is alleged that his cousin brothers Md. Quam, Md. Salim and Md. Kalim are involved in the murder of his brother because of land dispute between them.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, he is not named in the FIR and the informant has not even remotely suggested the name of the petitioner rather specific allegation is against three named accused persons based on suspicion in the FIR. Learned counsel submits that the name of the petitioner transpired during the course of investigation and that too based on suspicion on the ground that deceased had won the Ward elections and thus the petitioner was harboring grudge, it is submitted that all the witnesses whose statement was recorded during the course of investigation are hearsay witnesses, not a single eyewitness has come forward during the course of investigation.

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

Considering the fact that the petitioner is in custody



since 21.07.2021, is a person with clean antecedent, charge-sheet has been submitted in the case, he was not named in the FIR and his name transpired based on suspicion as is also recorded in the impugned order, let the petitioner above named 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 the learned court below where the case is pending/successor court in connection with S.T. No. 166 of 2021 arising out of Muffasil P.S. Case No. 81 of 2002.

If the learned court below comes to a conclusion that the petitioner after his release on bail is trying to delay the trial, the learned court below shall forthwith cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

