

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.417 of 2022

Arising Out of PS. Case No.-27 Year-2020 Thana- PANCHRUKHI District- Siwan

=====

Hasmat Ali Son of Late Hanif Mian @ Sayeed Mian Resident of Village-
Mahuari, P.S.- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Shri Yogesh Chandra Verma, Sr. Advocate
	:	Ms. Kumari Anupam, Advocate
For the State	:	Mr. Bal Mukund Prasad Sinha, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-08-2022 Heard learned senior counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Pachrukhi
P.S. Case No. 27 of 2020 registered for the offence under
Sections 302, 201 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.08.2021.

The allegation against the petitioner is to commit
murder of daughter of the informant, alongwith other co-
accused persons.



Learned senior counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence, where entire allegation is based upon suspicion. It is submitted that similarly situated co-accused person, namely, Sher Ali @ Shere Ali has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 29297 of 2021 dated 16.12.2021. It is further submitted that nothing incriminating recovered/surfaced during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of occurrence. Learned senior counsel, while travelling over the argument, submitted that the basis of implication of the petitioner in the present case is his criminal antecedents, where he is involved in 12 more criminal cases. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that informant is not the eye witness of the occurrence.

In view of the facts and circumstances as mentioned above, as entire allegation is based upon suspicion, where



informant is not the eye witness of the occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Pachrukhi P.S. Case No. 27 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Siwan/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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

