

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68100 of 2022

Arising Out of PS. Case No.-223 Year-2013 Thana- KATORIYA District- Banka

Imtiyaz Miyan @ Imtiyaz Ansari @ Ansari Son of Late Habib Miyan R/V-
Laharniya, P.S- Suiya, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioner seeks bail in connection with Katoria

P.S. Case No. 223 of 2013 registered for the offence under

Sections 302, 120(B) and 34 of the Indian Penal Code and under

Section 27 of the Arms Act.

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

custody since 24.08.2022.

The allegation against the petitioner is to commit

murder of brother of the informant alongwith other named co-

accused persons, by causing fire arm injuries.



Learned counsel appearing on behalf of the petitioner submitted that during course of investigation, police did not find present case true against this petitioner and accordingly, submitted final form, where learned Trial Court took cognizance against this petitioner without having any incriminating material. It is also submitted that specific allegation of firing, causing death of the brother of the informant, is available against co-accused Shabir Miyan and Iliyas Miyan, not against this petitioner. It is also pointed out that similarly situated co-accused person, namely, Kamruddin Ansari has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 44243 of 2015 vide order dated 23.09.2015. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as specific allegation to cause fatal fire arm injuries are available against co-accused persons, namely, Shabir Miyan and Iliyas Miyan, not against this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above



named, is directed to be released on bail in connection with Katoria P.S. Case No. 223 of 2013 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Banka/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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