

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7828 of 2023

Arising Out of PS. Case No.-452 Year-2018 Thana- CHANPATIA District- West Champaran

MITHUN ALAM @ MITHUN @ TAUSIF ALAM @ TAUSARIF ALAM
S/O MIR HASAN MIAN @ MIRHASAN MIYAA @ MIRHASAN MIAN
RESIDENT OF VILLAGE- GURAWALIA, VISHWAS, P.S.- MANUAPUL,
DISTRICT- WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 201, 404, 34 of the IPC in which charge-sheet has been submitted u/s 302, 201, 120B, 392, 412, 34 of the Indian Penal Code.

The allegation against the petitioner along with co-accused persons is that they have committed murder of son of the informant and after that dead body of his son has been thrown in Machaha canal.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on the basis of confessional statement of co-accused, namely Rajesh Ram. The informant is not an eye witness of the alleged occurrence. Neither petitioner was apprehended on the spot nor any cogent evidence has been found against him. Similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 29.05.2019 passed in Cr. Misc No. 15732 of 2019. It is further submitted that the petitioner is languishing in judicial custody since 27.09.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Chanpatiya (Sirisiya O.P) P.S. Case No. 452 of 2018 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of learned A.C.J.M.-Vth,
Bettiah West Champaran.

(Sunil Kumar Panwar, J)

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