

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35710 of 2023

Arising Out of PS. Case No.-948 Year-2022 Thana- ARA NAGAR District- Bhojpur

Md. Naim Miyan @ Sahut @ Md Nain Miyan Son of Late Amin Resident of
Dharhara, PS- Ara Town, District- Bhojpur

... .. 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. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Ara Town
P.S. Case No. 948 of 2022 registered for the offence under
Sections 302, 120-B/34 of the Indian Penal Code and under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 17.12.2022.

The allegation against the petitioner is to commit
murder of son of the informant alongwith un-known co-accused
persons by causing firearm injuries, where occurrence arises out
of previous enmities and business shares.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Timal@Tibla@Brushli@Md. Salim Hasmi during the course of investigation in furtherance of which no incriminating material recovered/surfaced as to connect petitioner, *prima facie*, with present occurrence of murder. It is further submitted that petitioner was not put on TIP, as yet. It is also pointed out that as petitioner found involved in eight more criminal cases, he was named with present case also out of suspicion arises from those criminal antecedents, where in maximum of cases, name of petitioner surfaced on the basis of confessional statement as of present case. While concluding the argument, it has been submitted that investigation of this case 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 and by taking note of the fact as save and except confessional statement of co-accused no incriminating material recovered/surfaced as to connect petitioner with present occurrence of murder coupled with the fact that charge-sheet has



already submitted, where petitioner is in custody since 17.12.2022, accordingly, above named petitioner is directed to be released on bail in connection with Ara Town P.S. Case No. 948 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further condition:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on



medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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