

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55658 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- RAMNAGAR District- West Champaran

IRFAN MIAN @ IRFAN MIYA Son of Shah Alam Miyan VILLAGE -
BHAVLEHAR, PS RAMNAGAR DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Ramnagar P.S. Case No. 33 of 2023 for the offence punishable under Sections 302, 34 of the Indian Penal Code lodged on 25.1.2023 by the informant, Pardeshi Kumar.

As per the prosecution story, the informant has alleged that his father went outside but failed to return. Next morning, the dead body was recovered, the same was brought home and blood was oozing from his right ear. Accordingly, allegation is that he has been killed and the allegation is against is against the unknown persons.

It is the case of the petitioner that no one has seen the occurrence, he was arrested and the police made forced confession which he has retracted by filing petition before the



learned S.D.J.M., Bagaha, West Champaran.

His further submission is that the deceased was drunkard and probably met road accident, this false narration of killing and the petitioner is in custody since 28.5.2023.

Learned APP opposes the prayer stating that he has confessed to the crime.

Taking into account the fact that no one has seen the actual occurrence, on suspicion the petitioner has been arrested though there is confession before the police, subsequently he has retracted, do not have criminal antecedent and has remained in custody since 28.5.2023 (para-13 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Bagaha, West Champaran, Bagaha, in connection with Ramnagar P.S. Case No. 33 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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