

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54036 of 2023

Arising Out of PS. Case No.-648 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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BABLU ALAM @ GUJAR SON OF BAKRID MIAN @ BAKRID MIYA
RESIDENT OF VILLAGE - PURANI GUDARI, P.S. - KALIBAGH O.P.,
DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection
with Bettiah (Town) P.S. Case No. 648 of 2022 registered under
Sections 302 and 201/34 of the Indian Penal Code lodged on
05.09.2022 by the informant, Sarita Devi.

As per the prosecution story, the allegation is that the
informant got information about killing of his younger brother,
went to PMCH and saw his dead body. The further allegation is
that the present petitioner had called the informant from the
number of his brother and informed that accused Chunu Miya
is fighting with his brother Govind Kumar and he is also
present there. The further allegation is that one Prem Sah had



threatened the family members of dire consequences. Accordingly, he made allegation against Chunu Miya, the present petitioner and Prem Sah beside other co-accused in the FIR.

It is the case of the petitioner that the threatening was given by Prem Sah, the assault is actually attributed to Chuna Miya, the only allegation is that this petitioner was present there and no overt act has been attributed to him. He is in custody since 22.09.2022 (as stated in paragraph-11 of the petition).

Learned APP for the State opposes the prayer for bail stating that he was the person who informed the informant's side about the fighting between the brother of the informant and Chuna Miya.

Taking into account the submissions put forward by the learned counsel for the petitioner as also the State no overt act has been attributed to this petitioner and he is in custody since 22.09.2022, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah West Champaran, Bagaha, West Champaran



in connection with Betiah (Town) P.S. Case No. 648 of 2022,
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/her *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/her
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
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 his 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 the bail bonds.

(Rajiv Roy, J)

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