

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63222 of 2023

Arising Out of PS. Case No.-400 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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TABREJ MIYAN son of Rajak Miyan, R/o Village- Jamla Ps- Muffasil Dist-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Muffasil P.S. Case No. 400 of 2023 registered for the
offences punishable under Section 302/34, 201 of the Indian
Penal Code pending in the Court of learned Chief Judicial
Magistrate, East Champaran, Motihari.

3. As per prosecution, on 31.05.2023 at about 05:00
P.M. the informant Radha Devi came to know that the dead-
body of her husband Ramesh Kumar is lying in bushes near
Jamla Brahm Baba. Thereafter, the informant along with her
family members went there and found the dead-body of her
husband. Thereafter, the informant came to know that on



29.05.2023 at about 08:30 P.M., petitioner Tabrej Miyan had brought her husband from his shop. The informant is confident that petitioner along with his associates have committed murder of her husband and disappeared the dead-body.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that only on the basis of suspicion, the petitioner has been made accused in the present case and during course of investigation, no substantive evidence has come against the petitioner. Petitioner has no criminal antecedent as mentioned in Para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail and submits that the police has recorded the statement of the apprehended persons under Section 161 of Cr.P.C., in which he took the name of the petitioner and other co-accused person and further submits that petitioner is also involved in the crime in question.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby



rejected.

7. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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