

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65309 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- BALIA BELON District- Katihar

Md. Taiyab Ali @ Taiyab Ali Son of Late Jahir R/V- Rasalpur, P.S.- Balia
Belon, District- Katihar

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-03-2023 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 Balia
Belon P.S. Case No. 46 of 2022 registered for the offence under
Sections 302/120(B)/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.04.2022.

The allegation against the petitioner is to commit
murder of son of the informant alongwith other co-accused
persons for previous enmities arises out of business activities.

Learned counsel appearing on behalf of the petitioner



submitted that the thrust of allegation, as regard to commit murder is appearing specific against co-accused, namely, Md. Subhan as per F.I.R. It is further submitted that for the only reason as son of the informant accompanied the said co-accused Md. Subhan after attaining the Iftar party organised in the house of petitioner, the name of petitioner was given in this case, as one of the conspirator for the alleged occurrence. It is also submitted that nothing surfaced during the course of investigation, which may suggest that petitioner was involved with present occurrence with any extent. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is 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, as allegation of fatal blow, as per F.I.R. to cause death of son of the informant is specifically available against co-accused Md. Subhan not against this petitioner, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Balia Belon P.S. Case No. 46 of 2022 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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