

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65065 of 2022

Arising Out of PS. Case No.-220 Year-2022 Thana- KATEYA District- Gopalganj

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SUBHAN MIYA S/o Late Neur Miya R/v- Samogar, P.S.- Kateya, District-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Adv.

For the Opposite Party/s : Mr.Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Kateya P.S.
Case No. 220 of 2022 dated 25.05.2022 registered for the offence
under Sections 302/34 of the Indian Penal Code.

The husband of the informant is alleged to have been
killed by the petitioner and others after hatching a conspiracy.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that it
appears from the F.I.R. itself that the entire allegation leveled
against the petitioner is based on suspicion. He further submits
that there is no eye witness to the alleged occurrence and even
the informant does not claim to be the eye witness to the alleged



occurrence. Save and except suspicion, no cogent material suggesting the involvement of the petitioner in the alleged occurrence has surfaced in this case during course of investigation. He further submits that similarly situated co-accused, Qyamuddin Miya has already been granted bail by a co-ordinate Bench of this Court vide order dated 23.03.2023 passed in Cr. Misc. No. 64608 of 2022 and the case of this petitioner stands on similar footing to the co-accused. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 27.05.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No. 220 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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