

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34554 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- SUIYA District- Banka

Md. Rahman @ Rahman Mian, aged about 34 years (Male), S/o- Jakir Mian,
R/O Village- Ashodha, P.S.- Chandan (OP Amandpur), Dist- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 14-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Suiya
P.S. Case No. 163 of 2023 (G.R. No. 4489 of 2023) dated
25.12.2023 registered for the offences punishable under
Sections 302, 201 and 120B of the I.P.C.

3. As per the prosecution case, the informant's son,
namely, Sandeep Kumar Das went to meet his friend Lalan Das
in the field but till late night he did not return. On 24.12.2023 at
about 6.00 P.M., she got information that a decomposed dead
body was lying in the pond. Thereafter, she alongwith others
went to there and identified him as her son. The informant
believed that the co-accused Lalan Das under conspiracy



committed murder of her son. It is further alleged that there was dispute for money between the co-accused Lalan Das and the deceased.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the present case, during the course of investigation, on the basis of the confessional statement of the co-accused Lalan Das, which has got no evidentiary value in the eye of law. There is no eye witness to the alleged occurrence. No incriminating article has been recovered from the possession of the petitioner. The charge sheet has been submitted in the present case. There is nothing on record to show the involvement of the petitioner in the present case. It is most surprising that the deceased has left his house fifteen days ago and did not return but how and why the informant has not informed the police and lodged the F.I.R. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 25.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Banka in connection with Suiya P.S. Case No. 163 of 2023 (G.R. No. 4489 of 2023).

7. The application stands allowed.

(Chandra Prakash Singh, J)

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