

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45041 of 2024

Arising Out of PS. Case No.-115 Year-2024 Thana- JAGDISHPUR District- Bhojpur

1. MD. DABLU SON OF NARAD MIYA RESIDENT OF VILLAGE - JAGDISHPUR WARD NO. 3, RAJAJ KE POKHRA, POLICE STATION - JAGDISHPUR, DISTRICT - BHOJPUR AT ARA
2. CHANA MIYAN @ CHAND MOHAMMAD @ MD. CHANA MIYA SON OF AJIJ MIYA RESIDENT OF VILLAGE - JAGDISHPUR WARD NO. 3, RAJAJ KE POKHRA, POLICE STATION - JAGDISHPUR, DISTRICT - BHOJPUR AT ARA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Rai Sharma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 18-09-2024 Heard the parties.

2. The petitioners are in custody in connection with Jagdishpur P.S. Case No. 115 of 2024 for the offence punishable under sections 302 and 34 of the Indian Penal Code lodged on 05.04.2024 by the informant, Salma Begum.

3. As per the prosecution story, the informant alleged that due to minor issue, the accused persons caught hold of her husband and further, Bhukhudi Miya used a knife to slit the neck of the deceased. He fell down, was rushed to the Sub Divisional Hospital, Jagdishpur but was brought dead due to the excessive bleeding. Accordingly, the FIR.



4. In this case, Coordinate Bench had called for the case diary and the post-mortem report which also supports the prosecution theory that the death occurred due to the excessive bleeding as the trachea got punctured due to slitting of the throat.

5. Learned counsel for the petitioners submit that they have no criminal antecedent and only to implicate, a role has been assigned. It is his further submission that from the FIR, it is clear that it was Bhukhudi Miya who after removing a knife from his pocket, slit the neck of the deceased causing his death and the last submission is that they do not have criminal antecedent.

6. Learned counsel for the informant, on the other hand, submits that they played a role and caught hold of the deceased after which the neck was slit.

7. Though the charges that have been made against the petitioners that cannot be ignored, the fact remains that the main allegation is against Bhukhudi Miya, whose act immediately led to excessive bleeding causing death of the deceased, these two petitioners have remained in custody since 06.04.2024 (para 9 to the petition) and do not have criminal antecedent. It has been further undertaken by learned



counsel that he shall be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 115 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his 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 the 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 his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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