

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54559 of 2024

Arising Out of PS. Case No.-115 Year-2014 Thana- BAIRIYA District- West Champaran

Istakhar Miyan @ Isatakhar Miyo @ Imteyaj Miyan son of Late Mansi Miyan
Village- Tola Motipur Ps- bairiya Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 26-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bairiya P.S. Case No.115 of 2024 instituted under Sections 302, 120B & 34 of the Indian Penal Code.

3. As per the prosecution case, the deceased is said to have received a call on his cellular phone on the alleged date of occurrence i.e. on 08.06.2014 which he described to the informant/wife that he is going to meet Sausen Mian and other persons and, thereafter, the deceased left his house. Further, it is alleged that on the second day, his dead body was found hanging from a tree.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case on the basis of confessional statement of co-accused Shah Hussain Miyan @ Sausen Mian. He further submits that the alleged incident took place on 08.06.2014 and even in the confessional statement of said Sausen Mian, the correct name of the petitioner was not mentioned, however, Police at this stage, trying to implicate the petitioner by adding name of the petitioner as alias. Learned counsel also submits that no motive has been disclosed for involvement of petitioner in the present occurrence and except the confessional statement of co-accused, Shah Hussain Miyan, there is no material against the petitioner. On the basis of said confessional statement of co-accused, petitioner has been implicated in two more cases arising out same incident. Petitioner undertakes to co-operate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the



learned A.C.J.M.-3rd, Bettiah, West Champaran / Concerned
Trial Court in connection with Bairiya P.S. Case No.115of 2024,
subject to the conditions laid down in Section 438(2) of the
Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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