

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.561 of 2024

Arising Out of PS. Case No.-269 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

1. Amin Mian S/o Late Mehendi Mian @ Late Mehadi Mian R/o village-Amwa Bijaypur, P.S-Kuchaikote, District-Gopalganj
2. Jiyuddin @ Jabaruddin @ Jiyauddin @ Jiyauddin Miya S/o Kismat Mian R/o village-Amwa Bijaypur, P.S-Kuchaikote, District-Gopalganj
3. Azad Mian @ Azad Hussain @ Ajada Mian @ Ajad Hussain S/o Umar Mian @ Md. Umar @ Md. Umar Faruk R/o village-Amwa Bijaypur, P.S-Kuchaikote, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Singh

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-01-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners have filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

Prosecution case in nutshell is that after hearing information about a dead body which was lying under a tree near embankment, informant along with his family members reached at the spot and found that the said dead body was of his elder brother. Accordingly, the informant raised



suspicion that the petitioners along with other co-accused persons have killed his elder brother due to earlier dispute.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case due to previous enmity. There is no eye witness of the alleged offence. Both parties are co-villagers. Petitioners have no concern either with the alleged offence or with the other co-accused persons. They have been dragged in this case merely on the basis of suspicion. It is further submitted that no external injury has been found over the body of the deceased. Petitioners are languishing in judicial custody since 29.09.2023. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. Moreover, similarly situated co-accused persons have been granted bail vide order dated 11.10.2023, passed in Cr. Misc. No. 61889 of 2023 by co-ordinate Bench of this Court

Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the



prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Kuchaikote P.S. Case No. 269 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, Gopalganj.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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