

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4855 of 2025

Arising Out of PS. Case No.-133 Year-2013 Thana- BHORE District- Gopalganj

Idrish Mian @ Idrish Ansari @ Idris Miyan S/O Late Habib Miyan @ Late
Habib Ansari R/O Village- Shukul Dumar, P.S- Bhorey, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Pushpa Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 16-05-2025 Heard Mr. Lokesh Kumar Singh, the learned counsel
appearing on behalf of the petitioner, Mrs. Pushpa Singh, the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Bhorey P.S. Case No. 133 of 2013, registered for the offences
punishable under Sections 302 read with Section 34 of the Indian
Penal Code and Section 27 of the Arms Act. Petitioner has one
criminal antecedent.

3. The allegations as per the FIR is that the informant
received a call from his son, who informed that Subhash Singh and
others had killed the victim Suman Kumari, adopted daughter of
the informant, causing gunshot injuries. It has been alleged that
since the daughter of the informant was a witness in Bhorey P.S.
Case No. 158 of 2010 which was filed against the accused persons,
the accused persons had fired upon Suman Kumari and had killed



her.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner has been named in the FIR, but there is general and omnibus allegation against all the named accused persons, stating that they have killed the daughter of the informant, namely, Suman Kumari, however, no specific attribution has been given to the petitioner. The learned counsel for the petitioner has further submitted that during the course of investigation, in the statement of witnesses which was recorded by the police, the informant of the present case, i.e., the father of the deceased Suman Kumari, was also made an accused and it has come that it was the informant who had along with the help of other co-accused persons had killed her daughter Suman Kumari because of her illicit relationship with some other person. The learned counsel for the petitioner has also submitted that petitioner has falsely been implicated in this case out of personal grudge and barring the confessional statement of a co-accused, namely, Bharat Singh, there is no incriminating material to connect the petitioner with the aforesaid incident. The learned counsel lastly submits that the petitioner is an accused in one case prior to the present one, in which he is on bail and the petitioner is in custody since 23.09.2024 in the present case.



5. The learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that the petitioner is named accused person and it has been alleged that he along with other co-accused persons had killed Suman Kumari, daughter of the informant and he does not deserve the liberty of bail.

6. Considering the aforesaid submissions made by the respective parties and taking into account the fact that there is no eye-witness to the said occurrence and there is general and omnibus allegation against all the named co-accused persons and also taking into account that Bharat Singh, a co-accused had named others to be involved in the present case, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, 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 the court of learned Sub-Divisional Judicial Magistrate, Gopalganj, in connection with Bhorey P.S. Case No. 133 of 2013, subject to the following conditions:-

(i) If, the petitioner involvement is found in similar nature of offence in the future, the prosecution will be at liberty to move for cancellation of their bail bonds.

(ii) One of the bailors of the petitioner shall be his close



relative and the other shall be local resident.

(iii) The petitioner shall remain physically present in Court on each date of the trial.

(iv) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(v) 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.

(Sourendra Pandey, J)

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