

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42463 of 2025

Arising Out of PS. Case No.-57 Year-2023 Thana- MUFFASIL District- West Champaran

Jahir Miyan @ Jaheer Miyan @ Jahir Mian S/o Islam Miyan R/o Vill.-
Rupdih, PS- Bettiah (Muffasil), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 14-11-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner and the State.

2. The petitioner is in judicial custody in connection with Sessions Trial No. 533 of 2024 arising out of Bettiah Mufassil P.S. Case No. 57/2023 for the offence punishable under Sections 341, 323, 324, 307, 379 and 34 of the Indian Penal Code and later on added Section 302 of IPC lodged on 23.01.2023 by the informant, Meraz Ansari.

3. As per the prosecution story, the allegation has been made in the FIR against unknown of committing murder of the informant's brother and throwing the dead body near a 'Bargaj'. Subsequently, investigation took place and it was found that the lady, wife of the present petitioner was having relationship with the deceased and this was seen by the accused persons



whereafter, this petitioner gave blow on the head. Though, there is allegation of assault by other persons also, it proved fatal, whereafter, he was thrown near the 'Bargaj'.

4. Learned counsel for the petitioner submits that though he is not going on merit. The fact remains that single blow is assigned to him, has already suffered since 16.10.2023, has no criminal antecedent, charges have been framed and the trial is on.

5. Learned APP opposes the prayer for bail submitting that though the blow was single, it proved fatal.

6. Considering the submissions of the parties as also the aforesaid fact that the charges have been framed and the trial is on and an undertaking has been given that the petitioner shall be diligently appearing in trial, has no criminal antecedent and is in custody since 16.10.2023, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 District and Additional Sessions Judge-2nd, Bettiah, West Champaran in connection with Bettiah Mufassil P.S. Case No. 57/2023 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 till the conclusion of the trial to mark his attendance and the certificate be submitted to the Court;

(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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