

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90063 of 2024

Arising Out of PS. Case No.-181 Year-2024 Thana- BARHARIA District- Siwan

Neyamat Sah @ Neyamat Ali Son of Kitabuddin Shah @ Kitabuddin
Resident of Village - Paraswa Tola, P.S. - Barharia, District – Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 451 of 2024 arising out of Barharia P.S. Case No. 181 of 2024 registered for the alleged offences under Sections 302, 201/34 of the Indian Penal Code.

03. As per prosecution case, on receipt of a phone call, son of the informant left his house. He told his mother, the informant, that co-accused Momtaz had been calling him and this petitioner and other co-accused were present at the place where the son of the informant was called out. Next day, the dead body of the son of the informant was found in low land area (*chanwer*) . The informant further alleged that other co-accused persons were also involved in the said occurrence.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The dead body was recovered on 25.04.2024 at 12:11 PM, but the FIR has been lodged on 27.04.2024 at 06:10 AM and there is no explanation for delay of 54 hours in lodging the FIR, which shows the FIR has been lodged as an afterthought and after due deliberation. Moreover, except for saying that the deceased told the informant that the petitioner was also present at the place where he was called out, there is no material available on record to show the involvement of the petitioner. There is no eye witness to the alleged occurrence and the witnesses are all hearsay. Further, the informant has also named other co-accused, who threatened the son of the informant. The petitioner is in custody since 21.06.2024 and charge-sheet has been submitted. The petitioner is having clean antecedent.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the petitioner has been named in the FIR itself and the son of the informant was murdered by the petitioner and other co-accused persons.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of substantive material against the petitioner and



further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-X, Siwan/court concerned in connection with Sessions Trial No. 451 of 2024 arising out of Barharia P.S. Case No. 181 of 2024, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three 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.

(Arun Kumar Jha, J)

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