

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.47898 of 2022**

Arising Out of PS. Case No.-538 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

JANTA MIA @ SHAHID ALAM Son of Majid Mian Resident of Village -  
Barhan Gopal, P.S.- Siwan Muffasil, 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. Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA  
ORAL ORDER**

2      24-12-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Siwan  
Muffasil P.S. Case No. 538 of 2021 registered for the offence  
under Sections 341, 323, 324, 307, 302, 504 and 34 of the  
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 04.04.2022.

The allegation against the petitioner is to commit  
murder of son of the informant along with other co-accused  
persons, by causing knife blow, on the chest of deceased.

Learned counsel appearing on behalf of the petitioner



submitted that specific allegation of fatal assault is available against co-accused, namely, Arbaj Ali, as per the face of FIR, where allegation against this petitioner is only to provide knife and to give order. It is also submitted that occurrence is arises out of neighborhood disputes and differences arises out of disputes raised during Ludo game. It is also pointed out that petitioner is involved in one more criminal case, where, he is on bail. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as specific allegation, with regard to fatal assault, as per FIR is against co-accused, namely, Arbaj Ali and not against this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Siwan Muffasil P.S. Case No. 538 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan/concerned court, subject to



the condition as mentioned under Section 437(3) of the Cr.P.C.,  
with further condition:

“That Accused/Petitioner shall cooperate  
in the trial and shall be physically present on each  
and every date before the Trial Court till conclusion  
of the trial and exemption from physical  
appearance be allowed by the Trial Court, only on  
medical ground of the petitioner duly supported by  
the document.”

**(Chandra Shekhar Jha, J)**

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