

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.18701 of 2017**

Arising Out of PS.Case No. -375 Year- 2016 Thana -MAHUA District- VAISHALI(HAJIPUR)

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Md. Mumtaz, son of Sheikh Noor Mohammad, Resident of Village-  
Sharma, P.S.- Mahua, District- Vaishali..... .... Petitioner

Versus

The State of Bihar. ... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**

**ORAL ORDER**

3      23-06-2017                      Heard learned counsel for the petitioner and learned  
APP representing the State.

The petitioner seeks bail in connection with Mahua P.S.  
Case No. 375 of 2016 registered for the offences punishable under  
Sections 302, 201/34 of the Indian Penal Code.

Allegedly, Birchand Thakur, the son of the informant,  
went at the house of the petitioner, thereafter, he did not return. It  
is alleged that he was having love affairs with the daughter of the  
petitioner and the dead body was found 500 yards away from the  
house of the petitioner.

Submission is of false implication and that besides  
suspicion there is nothing against the petitioner, no one has seen  
killing the deceased, no one has seen throwing of the dead body of  
the deceased, there is no eye witness of the occurrence and only on  
weak circumstantial evidence which is based on suspicion the



petitioner is suffering in custody since 22.12.2016. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 375 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

avin/-

**(Jitendra Mohan Sharma, J)**

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