

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32013 of 2017

Arising Out of PS.Case No. -66 Year- 2016 Thana -MURAR District- BUXAR

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1. Ram Pravesh Mushar, Son of Bishwnath Mushar,
2. Munna Mushar Son of Dhore Mushar @ Girja Mushar, Both are Resident
of Village- Basudhar, P.S.- Itarhi, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-08-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
19.12.2016 in connection with Murar P.S. Case No. 66 of 2016 for
offences punishable under Sections 461 and 379 of the Indian
Penal Code.

The prosecution case, as lodged by the informant who
is the priest of Ram Janki Mathiya, found the door of the temple
opened and the grill of window was also broken and idols and
other worship utensils were found stolen. It has been alleged by
the informant that one Guddu Singh along with his associates had
committed the said offence.

It has been submitted by the learned counsel for the



petitioner that they are innocent, not named in the First Information Report and has been falsely implicated in the case. It is only on the basis of confessional statement made before the police, in another case bearing Itarhi P.S. Case No. 148 of 2016, they have been remanded in the present case. He submits that charge-sheet has already been submitted and there is no chance of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that both the petitioners are habitual offenders and as many as three cases are pending against them for similar offence.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Murar P.S. Case No. 66 of 2016 subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioners and that petitioners will appear before the learned court below during trial as and when required



and failure to appear on two consecutive dates without assigning
any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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