

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78994 of 2018

Arising Out of PS. Case No.-67 Year-2018 Thana- CHACKMENSI District- Samastipur

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1. Md. Shamim @ Md. Samim
 2. Md. Nasim @ Md. Nashim
 3. Md. Wasim All sons of Md. Hakim Resident of village- Basuari Kalyanpur, Police Station-Chakmehsi, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zeyaul Hoda

For the Opposite Party/s : Mr.Sri Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 23-01-2019 Heard learned counsel for the parties.

Petitioners seek bail in **Chakmeshi P.S. Case No. 67 of 2018** registered for the offence punishable under Sections 120(B), 302 and 34 of the Indian Penal Code.

Informant has alleged in his fardbeyan that there is land dispute between the informant and petitioners and their family and 15 days prior there was *Panchayati* in which three sons of Md. Hakim threatened that they will have to vacate the land otherwise they will have to suffer serious consequence. On 28.06.2018 at about 8.10 P.M. his brother Md. Ali Raja was returning home from Saidpur Hat, petitioners and other accused caught hold him in his way and slit his neck by sharp edged weapon on account of which he died on the spot. On receiving



such information they went at the place of occurrence and found his brother lying dead.

It has been submitted on behalf of the petitioners that informant is not the eyewitness and they have been implicated in this case on suspicion and due to land dispute. It has been further submitted that after investigation police has not found the case to be true against petitioners, and have not submitted charge-sheet against them and they have not been sent up for trial and submitted charge-sheet against one Sonu Kumar and his two associates who confessed his involvement in said crime and has given different reasons for killing the deceased. However, the Court below has not accepted the final form of police, differed with the opinion of the I.O. and has taken cognizance against the petitioners under Section 302 and 120B of IPC. Petitioners have got no criminal antecedent and are in custody since 01.07.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **A.C.J.M. 1st, Samastipur**, in connection with **Chakmeshi P.S. Case No. 67 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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