

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31900 of 2019

Arising Out of PS. Case No.-474 Year-2018 Thana- KARAHGAR District- Rohtas

Raju Mushar, aged about 30 years, Male, Son of Late Surendra Mushar,
Resident of Village-Akhlashpur, P.S.-Bhabhua, District-Kaimur (Bhabhua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-09-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 302 of the Indian Penal Code and Section 37 (a) (b) (c) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that one Tunnu Mushar gave his written statement before the O.P. Incharge, Barhari O.P. stating therein that one Raju Mushar who is relative of Wakil Mushar is used to live with his family members in the house of Wakil Mushar. On 17.12.2018 when informant went to his field he received telephonic information at 8 A.M. that his son Baliram Mushar was brutally assaulted by Raju Mushar with lathi and received injury and was taken to Barhari for treatment and after



treatment, he was taken to house. It is stated that Raju Mushar was intoxicated stage. At 11.30 P.M. in night, when condition of his boy was deteriorated then he was taken for treatment but he succumbed to injury.

Learned counsel for the petitioner has been submitted that as per FIR, it appears that after occurrence, the injured Baliram Mushar was taken for treatment and thereafter he returned home, and later on in night at 11.30 P.M. his condition was deteriorated and succumbed to the injury.

It has been further submitted on behalf of the petitioner that the petitioner is in custody since 18.12.2018 and has got no criminal antecedent. There is no eye witness of the case rather, he got information about the occurrence on telephonic information, but it does not disclose that who has given that information. Only on suspicion, the petitioner made accused in the present false and concocted case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Rohtas at Sasaram, in connection with Kargahar (Barhari O.P.)



P.S. Case No. 474 of 2018, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner 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 Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner 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 petitioner.

(Anjani Kumar Sharan, J)

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