

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1192 of 2020**

Arising Out of PS. Case No.-141 Year-2017 Thana- SIWAIPATTI District- Muzaffarpur

MD. TASLIM ANSARI @ TASLIM ANSARI @ MD. TASLIM S/o Late
Rasul Mian Resident of Village-Kharar, P.S.-Minapur, District-Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajive Ranjan Singh
For the Respondent/s : Mrs.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 02-07-2020 The present case was heard on 30.06.2020 at length
and today it has been placed before this Court under the heading
'For Orders'.

The present appeal has been filed against the order dated 11.02.2020 passed by the learned Additional Sessions Judge-IXth-cum-Special Judge (SC/ST Act), Muzaffarpur in G.R. No. 5979/2017, Siwaipatti P.S. Case No. 141 of 2017, registered under Sections 302, 120/34 of the Indian Penal Code as well as Section 27 of the Arms Act whereafter charge sheet has been submitted under Section 302, 120/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2) (v) of the SC/ST Act, 1989, whereby and whereunder the prayer of the appellant for grant of regular bail has stood rejected.

The case of the prosecution in brief is that the son of



the informant is stated to have been killed by gun shots on 21.12.2017, in the evening at about 7:45 P.M. It is further alleged that when the informant had rang his son at about 6:00 p.m. in the evening, he had told him that he was returning to his home, however, when he did not come back even after one and a half hour, the informant is stated to have again rang his son, however, he did not pick up the phone and after ringing several times, he picked up the phone at last and stated that he had been hit by gun shots and thereafter he disconnected the phone. The informant is stated to have gone to the place of occurrence with his co-villagers and the informant had then taken his son to the hospital where he was declared dead. It is alleged that from the pocket of the deceased son of the informant namely Bipin Kumar, some article was recovered which showed that the deceased used to talk with Khushbu Khatoon and apparently her family members or her admirer have conspired together and killed the son of the informant.

The learned counsel for the appellant has submitted that the appellant is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that there is no eye witness to the alleged occurrence and the appellant has been dragged in this case on account of his



suspected relationship with Khusbu Khatoon. It is further submitted that the appellant is ready to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of regular bail. Lastly, it is submitted that the appellant is languishing in custody since 21.10.2019.

Learned Special P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, perused the materials on record and gone through the case diary. It is apparent from the materials available in the case diary as also from the summary of the investigation conducted by the Police, which has been stated in paragraph no. 121 of the case diary that the deceased was apparently having a love affair with one Khusbu Khatoon, daughter of the appellant herein, namely, Md. Taslim and upon tracing the call details of the deceased, it has been found that the deceased had talked to Roshan Khatoon, one Uma Shankar Rai and one Rahul Kumar. It is also apparent from a bare perusal of the case diary that as far as the appellant is concerned, there is miniscule evidence as is evident from the materials collected during the course of investigation, hence this Court deems it fit and proper to grant benefit of doubt to the appellant herein for the purpose of grant of regular bail to him,



thus the appellant is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IXth-cum-Special Judge (SC/ST) Act, Muzaffarpur in connection with Siwaipatti P.S. Case No. 141 of 2017.

The impugned order dated 11.02.2020 passed by the learned Additional Sessions Judge-IXthth -cum-Special Judge (SC/ST Act), Muzaffarpur in G.R. No. 5979/2017, Siwaipatti P.S. Case No. 141 of 2017 stands quashed.

The appeal stands allowed.

(Mohit Kumar Shah, J)

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