

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64179 of 2019

Arising Out of PS. Case No.-82 Year-2019 Thana- BABUBARHI District- Madhubani

Surendra Bhindwar Son of Late Satrugan Bhindwar, resident of Village - Ekamma, P.S.- Laukaha, Dist.- Madhubani at present Barail Chowk, P.S.- Babubarhi, Dist.- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. P.K.Shahi, Sr. Adv. Mr.Ranjeet Kumar Pandey, Adv.
For the State	:	Mr.Dinesh Singh, Adv.
For the Informant	:	Mr.Y.V. Giri, Sr. Adv. Mr. Pranav Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in connection with Babubarhi P.S. Case No.82 of 2019 (S.Tr.No.317 of 2019) registered for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution's case is that while the informant Ajahar Hasnat (son of the deceased) was sitting at Gandhi Chowk Khurain, the petitioner called him from his Mobile No.9931907895 on the informant's father mobile No.8986313786 asking him (father of the informant) to come at Barail Chowk. Thereafter, father of the informant, namely, Abul Hasnat @ Raju went there and he was asked by the petitioner to proceed alone to the Petrol Pump on his motorcycle. It is alleged that as soon as the father of the informant



reached east to Railway Line near Petrol Pump, 2-3 criminals, who were hiding there, fired upon the chest of father of the informant and they fled away, as a result of which father of the informant died on the way to Hospital.

It is submitted on behalf of the petitioner that the petitioner has been falsely implicated in the present case. It is also submitted that on perusal of the F.I.R. it is evident that there is no eye witness to the alleged occurrence and the petitioner has been made accused on the basis of suspicion only. It is further submitted that the petitioner, who is running a Petrol Pump, and the deceased were known to each other and because of that the deceased used to visit the Petrol Pump and both of them used to call each other through their mobile frequently. It is further submitted that there was monetary dispute of the petitioner with the deceased. It is submitted that co-accused Jai Prakash Yadav @ Chotu Yadav @ Chotu @ Mian Yadav @ Mian has already been granted bail by a Co-ordinate Bench of this Court vide order dated 18.12.2019 passed in Cr.Misc.No.81852 of 2019. Chargesheet has already been submitted. The petitioner is in custody since 14.04.2019. There is no allegation of tampering with the evidence against the petitioner.

Learned counsel for the State as well as learned counsel for the informant has vehemently opposed the prayer for bail. By way of referring to paragraph nos. 6,7,13,48, 49, 110 of case diary, learned counsel for the informant has submitted that the witnesses



have supported the prosecution case. It is submitted that the deceased was a petty contractor of diesel/petrol and due to monetary dispute this petitioner, after hatching conspiracy, got the deceased killed.

Be that as it may, considering the aforesaid facts and circumstances as well as the fact that co-accused has been granted bail, let the petitioner, named above, be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.III, Madhubani, in connection with Babubarhi P.S. Case No.82 of 2019 (S.Tr.No.317 of 2019) on the following conditions:-

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

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

(Prabhat Kumar Singh, J.)

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