

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73306 of 2019

Arising Out of PS. Case No.-312 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

BABLU BEG @ MIRJA BABLU BEG Son of Late Liak Beg Resident of
Village- Muradabad, P.S.- Sasaram (M), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 05-03-2020 Heard Mr. Jitendera Kumar, learned counsel for

the petitioner, Mr. Sanjay Sinha, learned counsel for the

informant and Mr. Md. Aslam Ansari, for the State.

The petitioner, who is in custody since
03.10.2019, seeks bail in connection Sasaram (M) P. S.
Case No. 312 of 2019 dated 25.09.2019 instituted for
the offence under Sections 302, 120B and 506 of the
Indian Penal Code.

According to the F.I.R. which has been lodged
by the wife of the deceased, a Scorpio vehicle hit the
deceased on road while the couple were taking morning
walk. It is alleged that shortly thereafter, three persons,



namely, Papu Beg, Jibu Beg and Akhtar Beg got down from the vehicle and assaulted the deceased by means of iron rods. With respect to the petitioner, it is alleged in the F.I.R. that he was sitting in the vehicle and watching the occurrence.

It appears from the records and the arguments advanced on behalf of the parties that during the course of investigation, two of the eye witnesses later turned up who disclosed that the petitioner also had assaulted the deceased by means of an iron rod.

Learned counsel for the petitioner has drawn the attention of this Court to the post-mortem report which indicates that the deceased had suffered one injury on his head.

Apart from this, it has also been pointed out that in the F.I.R. itself, there is a mention of the motive for false implication in as much as it has been stated that there was a dispute with respect to vacating the premises belonging to the petitioner and his brothers by



the deceased and others. It is precisely for this reason, it has been argued, that even an eighty years old mother of the petitioner has not been spared and has been made accused in this case.

As opposed to the aforesaid contentions, Mr. Sinha, learned advocate for the informant has submitted that the petitioner has criminal antecedents and his dare-devility is reflected from the fact that in the past, he had attacked the police as well. Apart from this, it has been submitted that there is no doubt that the dispute regarding vacating a particular premises exists, but that cannot be read against the prosecution and in favour of the petitioner.

Enmity is a weapon which has two sides.

However looking at the facts of the case, the nature of accusation as levelled in the F.I.R. as well as the period of custody of the petitioner which is from 03.10.2019, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten



Thousand) with two sureties of the like amount each to
the satisfaction of the learned Chief Judicial Magistrate,
Sasaram, Rohtas in connection with Sasaram (M) P. S.
Case No. 312 of 2019.

The application stands allowed.

(Ashutosh Kumar, J)

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