

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76217 of 2019

Arising Out of PS. Case No.-258 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

1. BHAKUR MUSHAR @ BHAKUR RAM Son of Murari Mushar Resident of Village-Chhotaki Sasaram, P.S.-Udwantnagar, District-Bhojpur.
2. Ram Badan Musahar Son of Late Sheo Nath @ Late Sheo Nath Musahar Resident of Village-Chhotaki Sasaram, P.S.-Udwantnagar, District-Bhojpur.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Ajay Kumar Singh, Advocate.
For the State	:	Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 29-06-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners seek bail in connection with Udwantnagar (Gajrajganj) P.S. Case No.258 of 2019 registered under Sections 302 and 201/34 of the Indian Penal Code besides Sections 3/4 of the Dayan Act.

The accusation is that Ram Kewal Musahar, the father of the informant Karmchari Musahar, used to do the work of beggar. In the evening of 01.07.2019, the father of the informant came to the house and asked his elder daughter-in-law for preparation of fish in the dinner but she refused. Thereafter, the father of the informant started to abuse his elder daughter-in-



law on which his neighbour Bhakur Mushar (petitioner no.1) came and made intervention asking why he is abusing her. After taking the dinner, the informant accompanied his father to drop him at the railway halt but, in the way, Ambika Mushhar, Rampujan Mushhar, Ganga Mushhar, Bhakur Mushar (petitioner no.1), Ram Badan Musahar (petitioner no.2) and Manoj Mushhar, who were variously armed with weapons, started to cause assault to the father of the informant. When the informant tried to save his father, then they also tried to cause assault to the informant but the informant fled away from there. At that time, Rampujan Mushhar asked to cut the neck of the father of the informant. In the night, the where about of the father of the informant was not traced out and, on the next morning, the dead body of the father of the informant was found near the railway track detached with head. The informant claimed that the aforesaid persons committed the murder of his father.

Learned counsel appearing on behalf of the petitioners submits that while the petitioners along with 4 others are named in the F.I.R. with the allegation of committing the murder of the father of the informant by cutting his neck but it would appear from the F.I.R. and the case diary that none had



seen the occurrence. In fact, the father of the informant used to do the work of beggar near the railway track and, perhaps, he may have come in the touch of the train and his head was detached with his body but taking the advantage of the death of his father, the informant has lodged the present case. Further submission is that in the post-mortem examination of the father of the informant, the doctor expressed his opinion that the injury has been occurred to the father of the informant by running train. The petitioner no.1 is in custody since 03.07.2019, whereas the petitioner no.2 is in custody since 11.07.2019.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur at Ara, in connection with Udwanthnagar (Gajrajganj) P.S. Case No.258 of 2019.

(Rajendra Kumar Mishra, J)

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