

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No.12112 of 2021**

Arising Out of PS. Case No.-448 Year-2020 Thana- MAJHAULIA District- West Champaran

Afsar Alam @ Md. Afsar Alam @ Md. Afsar aged about 21 years S/O Md. Mokhtar @ Mahamad Mukhtar R/O Village-Banuchappar, Ward No.10, P.S.-BANUCHHAPAR O.P., District-West Champaran. ... Petitioner

Versus

The State Of Bihar

... Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Bhanu Pratap Singh, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      25-06-2021                      This matter is taken up for consideration through  
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case registered for the offence under Sections 302, 120(B)/34 the Indian Penal Code.

As per the prosecution case, on 26.06.2020 at about 9:00 PM, the son of the informant Subhash Yadav went to make payment of the land to the land-lord Lal Babu Srivastava and Ankit Srivastava by Bullet motorcycle, but he did not return till late night. On the next morning at about 10:00 AM, the informant received an information that a dead body is lying near a canal and when the informant reached there, he identified the dead body of his son Subhash Yadav. The informant further alleged that all the FIR named accused persons with some unknown persons have committed the murder of his son under a conspiracy due to dispute regarding sale and purchase of the land.



Learned counsel for the petitioner submits that the petitioner is not named in the FIR. There is no eye witness of the occurrence and only material, collected during course of investigation, is that the petitioner was in contact with other co-accused persons as well as he was present on the place at the relevant time from where dead body was recovered. Petitioner has got clean antecedent and he is in custody since 1.7.2020. Charge sheet has been submitted. Similarly situated co-accused have already been allowed bail by different co-ordinate benches of this Court vide order passed in Cr.Misc.No.1864/2021, 2549/2021 and 780/2021.

Learned A.P.P. vehemently opposed the bail application and submitted that there is allegation that the petitioner was also involved in the murder of informant's son as it has come during course of investigation that he was found present on the place from where dead body was recovered.

Considering the aforesaid facts and circumstances and the fact that the petitioner has not been named in the FIR and no tangible material has been collected during course of investigation to connect him with the offence, and other similarly situated co-accused have already been allowed bail by different benches of this Court, bail application of petitioner is



allowed. Let the petitioner, above named, 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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhaulia P.S. Case No. 448 of 2020 with further 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 on his/her absence on two consecutive dates without sufficient reason, his/her 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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