

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6367 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- MUFFASIL District- West Champaran

1. Ishmohammad Mian @ Ishmohammad, about 45 Y/M, Son of Maful Mian, Resident of Village- Hardiya, Purbari Tola, Ward No. 15, P.S.- Bettiah Muffasil, District- West Champaran.
2. Raza Hussain, about 35 Y/M, Son of Ishomohammad Mian @ Ishmohammad Resident of Village- Hardiya, Purbari Tola, Ward No. 15, P.S.- Bettiah Muffasil, District- West Champaran.
3. Mumtaz Mian @ Momtaz Mian, about 40 Y/M, Son of Mustaquim Mian, Resident of Village- Laxmipur, P.S.- Chanpatia (Shanichari), District- West Champaran.
4. Amarul Khatoon, about 35 Y/F, Wife of Mumtaz Mian @ Momtaz Mian Resident of Village- Laxmipur, P.S.- Chanpatia (Shanichari), District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Umesh Chandra Verma and Mr. Abhishek Kumar, Advocates.
For the Opposite Party	:	Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 302 and 201/34 of the I.P.C.



The prosecution story, in brief, is that the land dispute is going on in between the informant on the one hand and Ismohammad Mian on the other hand, on account of that, they are on litigating term. On 14.03.2020 at about 9.00 A.M., the husband of the informant went to purchase medicine for the informant, but even after considerable time, her husband did not return, in the result, she grew anxious and then at about 7.00 P.M. she made made call on his Mobile No. 9507195672 from her Mobile No. 8207827742 but call could not be connected. On 15.03.2020 at about 11.00 A.M., her co-villagers informed her that the dead body of her husband was lying on the Hardiya Nahar, whereupon she alongwith her daughter rushed to there and found the dead body of her husband lying on his back on the Nahar with cut injury on left eyebrow and hurt on his chest. It appears that the deceased was assaulted by knives and danda and the dead body was thrown on Nahar to disappear the evidence. She claims that due to previous land dispute, all the accused persons including the petitioners having committed murder of her husband threw the dead body on the Nahar to disappear the evidence.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The names of the petitioners have transpired in the present case merely on the basis of suspicion. Except for suspicion, neither there is any substantive evidence to suggest the implication of the petitioners in the present case nor there is any circumstantial evidence to suggest the participation of the petitioners in the present case. There is no eye witness to the alleged occurrence.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned C.J.M. West Champaran, Bettiah, in connection with Bettiah Muffasil P.S. Case No. 153 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period



of eight weeks to the satisfaction of the court concerned in
connection with the aforesaid case.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

