

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40866 of 2020

Arising Out of PS. Case No.-411 Year-2019 Thana- JOKIHAT District- Araria

UMAR @ MD UMAR S/o Late Taslim Ahmad @ Taslim R/o Village- Taran
Tola Kamat Ward No. 1, P.S.- Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Fahimuddin, A.P.P.

For the Informant : Mr. Gopal Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 22-03-2021 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel
for the informant.

The petitioner has filed the instant application for
grant of regular bail in connection with Jokihat P.S. Case no.
411/2019 registered under sections 302, 201 and 120B of the
Indian Penal Code.

As per allegation in the first information report, one of
the sons of the informant who had gone out did not return. The
next morning his dead body was recovered. It is further stated
that the other son, thereafter, disclosed that the previous evening
he had seen the accused persons along with the petitioner
herein running in a suspicious manner towards the house.

It is submitted by learned counsel for the petitioner



that from perusal of the first information report itself it would transpire that there is no eye witness to the occurrence. The petitioner has been falsely implicated in the case because of pending land dispute. The petitioner is in custody since 5.9.2020, chargesheet has been submitted in the case and the case of the petitioner stands on a similar footing to that of Abubakar and two others who have been enlarged on bail vide order dated 15.12.2020 passed in Cr. Misc. No. 33046 of 2020.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that so far as the land dispute between the parties are concerned, that is an admitted fact. It is because of the pending land dispute that the accused persons including the petitioner herein assaulted and killed the son of the informant. It is prayed that the bail be rejected.

Having heard learned counsel for the parties and taking into consideration the nature of allegations, the material that has transpired in course of investigation, grant of bail to the co-accused and the petitioner being in custody since 5.9.2020, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with



Jokihat P.S. Case no. 411/2019 on furnishing bail bond of Rs.
10,000/- (Rupees Ten Thousand) with two sureties of the like
amount each to the satisfaction of the learned Chief Judicial
Magistrate, Araria.

(Partha Sarthy, J)

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