

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3743 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- SINGHIYA District- Samastipur

MD. MUSTAK @ SHEK MOSTAK @ SEKH MUSTAK, aged about 70 years (Male), Son of Shekh Alam, Resident of village - Lilhaul (Lulhaul), P.S - Singhiya, District - Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vinay Kumar Mishra, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-08-2021 Learned counsel for the petitioner 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 petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in connection with Singhiya P.S. Case No. 48 of 2020 for the offence registered under Sections 302 and 34 of the I.P.C.

The prosecution story, in brief, is that on 08.04.2020 at about 6.00 P.M., in the evening, the informant's son, Guddu went with Md. Bijli and thereafter he did not return. The informant went to the house of Md. Bijli but he did not meet. Further, Md. Azad told the informant that his son will be



returned next morning on 09.04.2020. He again went to the house of Md. Bijli and saw that he was in injured condition and he said that Md. Azad, Md. Samim, Md. Safique, Sajan Ram, Md. Mustak, Nazara Khatoon and Sajda Khatoon assaulted him and the son of the informant Guddu. It is further alleged that Md. Bijli said that he anyhow saved his life and fled away from there. Md. Bijli asked the informant to go at Barki Gachhi or Barki Pokhar where his son will be available. The informant and others went there and found the dead body of his son Guddu. The informant claims that the aforesaid persons might have killed his son.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. There is no eye witness to the alleged occurrence. Merely on the basis of suspicion raised by one Md. Bijli, the name of the petitioner has transpired in the present case. After investigation, the police has submitted final form against the petitioner but the learned court below differed with the said police report and took cognizance against the petitioner for the alleged offence. The petitioner is aged about 70 years.



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

Considering the aforesaid facts and circumstances of the case, let the petitioner 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 his personal bond to the satisfaction of the learned VIth Additional Chief Judicial Magistrate, Rosera, Samastipur, in connection with Singhiya P.S. Case No. 48 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 petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only 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)

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