

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2357 of 2021

Arising Out of PS. Case No.-283 Year-2020 Thana- CHANPATIA District- West Champaran

MD MUSTAFA SON OF LATE MD. USMAN VILLAGE CHANPATIA PS
CHANPATIA DISTRICT WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kaushal Kr.Jha, Mr.Shankar Kumar Choudhary
For the Opposite Party/s	:	Mr.Bimlesh Kumar Pandey Mrs.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-04-2021 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Chanpatia P.S. Case No.283 of 2020 registered for the offence punishable under Sections 302/ 506/ 34 / 120(B) of the Indian Penal Code.

Allegation against the petitioner is that he along with his two sons has killed the son of the informant by pressing pillow on his mouth and when informant reached there, they threatened him that they will kill all his family members one by one.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case and has not committed any offence as alleged in the FIR. It is alleged that



there is no eye witness of the alleged occurrence and no motive for such act has been alleged by the informant for the alleged occurrence. Even from the F.I.R., it is apparent that the petitioner is not the assailant of the deceased rather he was present there. During course of investigation brother of the informant and petitioner has been examined and other witness namely Firoz Alam who has been examined stated that after the occurrence, the doctor examined the victim and declared him dead. Till then on the spot, the name of the accused was not whispered about. Later on name of the accused persons including the petitioner is taken because of the land dispute as it is a case of false implication. The petitioner has no criminal antecedent and has been languishing in custody since 20.06.2020.

Learned APP for the State opposed the bail petition.

Learned counsel for the informant submits that the petitioner is the main assailant and has killed the son of the informant. There is a specific allegation of murder against him. Petitioner has filed a discharge petition before the learned court below.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail



bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below, where the case is pending, in connection with Chanpatia P.S. Case No.283 of 2020, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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