

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2135 of 2022

Arising Out of PS. Case No.-21 Year-2021 Thana- HASPURA District- Aurangabad

Biru Mushar, Son of Ramchandra Mushar, Resident of Village- Pauthu, P.S.-
Pauthu, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rupa Kumari, Advocate

For the Opposite Party/s : Dr. (Mrs.) Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioner seeks bail in
connection with Haspura P.S. Case No. 21 of 2021, registered
for the alleged offences under Sections 341, 323, 452, 307, 302,
379, 504/34 of the Indian Penal Code.

As per prosecution case, three miscreants entered into
the house of the informant and assaulted the informant and his
mother. They took Rs. 2000/- from the pocket of the informant.
While the mother of the informant was being taken to the
hospital, she died on her way. The name of the petitioner
transpired during investigation as one of the miscreants who
assaulted and committed the loot in the house of the informant.



The learned counsel for the petitioner submits that the petitioner has been named in this case on the basis of his confessional statement in Haspura P.S. Case No. 25 of 2021 and except for this confessional statement of the petitioner, there is nothing to show the involvement of the petitioner in the alleged occurrence. Although the informant claimed that he could identify the miscreants, but this petitioner has not been put to any Test Identification Parade. There is general and omnibus allegation against the petitioner and other co-accused persons and no material has been collected against the petitioner to show his involvement. The petitioner is in custody since 16.06.2021 and the charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner has been found involved in a case of similar nature and due to assault by this petitioner and other co-accused persons, the mother of the petitioner lost her life.

Perused the records.

Having regard to the facts and circumstances and submissions made here-in-above and considering the lack of substantive material to connect the petitioner with the offence as alleged and further considering the period of custody of the petitioner along with submission of charge sheet, the petitioner



above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Haspura P.S. Case No. 21 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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