

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7197 of 2022**

Arising Out of PS. Case No.-276 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Md. Humayun @ Md. Himayu @ Mohammad Humayun S/O Md. Shafi R/O
Village- Baro Quadirchak, P.S.- Phulwaria, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-05-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by the Stamp Reporter
within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking regular bail in
connection with Muffasil P.S. Case No. 276 of 2021 registered
for the offences punishable under Sections 302 and 120(B)/34 of
Indian Penal Code. He is in custody in connection with this
case since 30.09.2021. The petitioner has no criminal
antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the son of the informant was sleeping in
the open field during night hours when he was assaulted by



knife on his head which proved fatal and died. The informant claimed that his elder brother Md. Manjar had seen the alleged occurrence and on his raising hulla the other family members reached there and they found that the head of the son of the informant was brutally assaulted and brain matter had come out of the head, the whole body and the bed were soaked with blood. His brother Manjar told him that four murderers had fled away on motorcycle. It is alleged that few days ago the son of the informant had objected to one co-villager indulging in the act of the prostitution and for the said reason the said lady (Raunak) had called her two brothers and one unknown person and had attempted to kill the son of the informant. The informant alleged that his son has been killed under a conspiracy hatched by Raunak Khatoon who got his son killed by the accused persons.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It is submitted that there is no eye witness to the alleged occurrence and the manner of occurrence as alleged by the brother of the informant is not getting corroborated from the *post-mortem* report which shows only two knife injuries on the head of the deceased. The petitioner is in custody since 30.09.2021 and has



no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the prosecution story is not getting corroborated from the *post-mortem* report, there is in fact no eye witness to the alleged occurrence and it is a case of false implication of the petitioner as also that the co-accused Chandra Chaudhary @ Chandradeo Choudhary has already been granted bail by this Court in Cr. Misc. No. 57154 of 2021, the petitioner has remained in custody since 30.09.2021, investigation against him is complete and his presence may also be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Muffasil P.S. Case No. 276 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

