

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8844 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- UCHKAGAON District- Gopalganj

Gufran Alam son of asrarul haque @ ghoghar mian resident of village -
miralipur, p.s.- Thawe, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 9422 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- UCHKAGAON District- Gopalganj

Munna Chaudhary @ Munna Pasi Son of Harendra Chaudhri Resident of
Village- Semra, Purab Tola, P.S.- Thawe, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8844 of 2022)

For the Petitioner/s : Mr. Anirudh Kr. Verma

: Mr. Vyas Kumar Mishra

For the State : Mr. Ajit Kumar

(In CRIMINAL MISCELLANEOUS No. 9422 of 2022)

For the Petitioner/s : Mr. Anirudh Kr. Verma

: Mr. Vyas Kumar Mishra

For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-07-2022

Cr. Misc. No.8844 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Uchkagaon P.S. Case No. 42 of 2021 registered for the offence



under Sections 328, 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 04.06.2021.

The allegation against the petitioner is to commit murder of brother of the informant alongwith other co-accused persons due to previous differences regarding payment of Rs.2,70,000/- (Rupees Two Lakh Seventy Thousand), as per F.I.R.

Learned counsel appearing on behalf of the petitioner submitted that the informant is not the eye witness of the occurrence and the entire allegation is based upon mere suspicion. It is submitted that, even, petitioner was not last seen with the deceased, at it appears from the F.I.R. that the deceased was dropped at his home by other co-accused persons. It is further submitted that during the course of investigation, the father of the deceased disclosed that his son was not taken away by the petitioner from his home rather by co-accused, namely, Chand Mohammad. It is pointed out that petitioner is involved in three other cases of excise in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that F.S.L. report suggests that death of the deceased was caused due to poison.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, even the last seen allegation is also disputed, as surfaced during the course of investigation coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Uchkagaon P.S. Case No. 42 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gopalganj, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(ii) That one of the bailors shall be
Asrarul Haque @ Ghoghar Mian, who is the
father of the petitioner and deponent of the
present bail petition.”

The physical appearance of I/O of this case before this
Court is dispensed with.

Cr. Misc. No. 9422 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Uchkagaon P.S. Case No. 42 of 2021 registered for the offence
under Sections 328, 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.06.2021.

The allegation against the petitioner is to commit
murder of brother of the informant alongwith other co-accused
persons due to previous differences regarding payment of
Rs.2,70,000/- (Rupees Two Lakh Seventy Thousand), as per
F.I.R.

Learned counsel appearing on behalf of the petitioner



submitted that the informant is not the eye witness of the occurrence and the entire allegation is based upon mere suspicion. It is submitted that, even, petitioner was not last seen with the deceased, as it appears from the F.I.R. that the deceased was dropped at his home by other co-accused persons. It is further submitted that during the course of investigation, the father of the deceased disclosed that his son was not taken away by the petitioner from his home rather by co-accused, namely, Chand Mohammad. It is pointed out that petitioner is involved in three other cases of excise in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that F.S.L. report suggests that death of the deceased was caused due to poison.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, even the last seen allegation is also disputed, as surfaced during the course of investigation coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with



Uchkagaon P.S. Case No. 42 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gopalganj, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Vijay Kumar Chaudhri, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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