

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12034 of 2022

Arising Out of PS. Case No.-54 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

Munna Musahar, Son of Late Banu Musahar Resident of Village- Bampali,
P.S.- Udwant Nagar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh.1, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Aditya Narayan Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Udwant Nagar P.S. Case No. 54 of 2020 for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

As per prosecution case, it is alleged that co-villagers of the informant, namely, Mohan Musahar and Lal Bansi Musahar are said to have been informed the informant about the death of his younger brother Badari Sah, whose dead body was lying in the Musahar Toli, in half burnt condition. It is further alleged that it appeared that the brother of the informant had been strangled to death.



It is submitted by the learned counsel appearing on behalf of the petitioner that during the course of investigation co-accused Lal Bansi Musahar was found to be involved in the present occurrence and he was apprehended by the police and thereafter on whose confession the name of the petitioner along with other co-accused persons transpired in the present case. It is also submitted that save and except the confessional statement of co-accused person, there is no other material suggesting the complicity of this petitioner in the present crime. It is next submitted that similarly situated co-accused, having similar allegation, namely, Chhotu Mushar @ Chhanu Musahar, whose name also transpired in the confessional statement of Lal Bansi Musahar, has been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 20655 of 2021 vide order dated 15.11.2021, a copy of which has been annexed as Annexure-2 to the present application. It is next submitted that this petitioner is in custody since 10.02.2020 having fair antecedent and the investigation of the crime is already completed.

On the other hand learned APP for the State vehemently opposes the bail application, however, he is unable to confront the fact that another co-accused person has been granted bail by a learned co-ordinate Bench of this Court.

Having considered the submissions made on behalf of



the parties and taking into consideration the period of custody as well as the fact that another co-accused, having similar allegation, has been granted bail by a co-ordinate Bench of this Court and moreover the parity demands the same treatment, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara in connection with Udwant Nagar P.S. Case No. 54 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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