

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21371 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- KURSAILA District- Katihar

Md. Mukhtar Alam Son Of Late Md. Ansarul Haque Resident Of Village-
Masjid Tola, Ujani, P.S.- Naugachia, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra,Adv

For the Opposite Party/s : Mr.Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Kursela
P.S.Case No. 108 of 2020 registered for the offence under
Sections 302,120B,34 of the Indian Penal Code and Section 27
of the Arms Act.

The prosecution case in short is that on 16.06.2020
the son of the informant was going to P.H.C. Kodda by
motorcycle when he reached between Sutara Dhaba and Vishari
Asthan in N.H.31 committed murder to the son of the informant
and informant getting information unknown persons came by
two motorcycles and have committed murder and soon after
occurrence fled away and further alleged that some labour were
working in the field near the place of occurrence they saw the



and persons who had committed alleged occurrence and he collected the information that Md. Amir Alam, Md. Gufran Alam, Md. Mukhtar Alam (Petitioner) and one unknown person with armed, they fled away from Kursela towards Naugachia and Md. Muthtar Alam, Md. Amir Alam and Md. Gufran Alam and one unknown person made conspiracy for committing alleged murder due to old enmity and further alleged that nephew of Md. Mukhtar Alam (Bhanja) is traceless till today, for this reason present occurrence committed by the petitioner and other co-accused persons.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Learned counsel for the petitioner submits that there is no eye witness of the present occurrence. He further submits that it is admitted fact that the land dispute is going on between the parties. He further submits that due to land dispute, the petitioner has been implicated in the present case by the informant. Petitioner is in custody since 08.01.2021.

Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner and submits that in the case diary, paragraph



Nos.82 and 114 are against the petitioner.

Learned counsel for the petitioner submits that no independent witness has been examined except one Ravindra Paswan at paragraph-22 of the case diary he has not disclosed the name of the person who had committed occurrence nor alleged the name of the FIR accused nor named the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Kursela Police Station Case No.108 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 step 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.

(Rajesh Kumar Verma, J)

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