

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16118 of 2022

Arising Out of PS. Case No.-274 Year-2021 Thana- BASOPATTI District- Madhubani

Mahaveer Jha Son of Sarv Narayan Jha Resident of Village - Janki Narag,
P.s.- Basopatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 05-09-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioner seeks regular bail in connection with Basopatti P.S. Case No.274 of 2021 registered for the offences under Sections 302, 201, 120(B) of the Indian Penal Code.

As per the allegation made in the FIR, there was not a good relation between the deceased and co-accused Md. Jumman Mansoor and two months before the alleged occurrence of this case an incident of quarrel had taken place in between them regarding which both the sides had lodged cases against each other and owing to that enmity, the co-accused Md.



Jumman Mansoor always threatened to kill the informant's son and after that the informant's son was murdered at some unknown place and his dead body was dumped and the informant suspected that the said accused and other co-accused persons were involved in the murder of his son, and later on during investigation the petitioner was also suspected to be involved in the alleged murder.

The main submissions advanced by the learned counsel Ms. Vaishnavi Singh for the petitioner are that the petitioner is not named in the FIR, co-accused Md. Chhotu Mansoor who is named in the FIR has been granted regular bail by this Court vide order passed in Cr. Misc. No.14323 of 2022 and during the course of investigation only suspicion has been raised against this petitioner and there is no direct evidence against him to connect him to the alleged crime of murder.

Learned APP Mr. Chandra Sen Prasad Singh appearing for the State has opposed the bail prayer and submitted that the death of the deceased was caused due to asphyxia caused by throttling and during the course of investigation most of the witnesses raised suspicion against this petitioner on account of love affair between the deceased and petitioner's daughter.



Having considered the above submissions and mainly taking into account that one co-accused who is named in the FIR is on bail granted this Court vide order passed in above-mentioned criminal miscellaneous case and the petitioner has not been named in the FIR and there is no direct allegation against him and the learned APP has not drawn the attention of this Court to any direct evidence as well as eye witness of the alleged murder and most of the witnesses of the prosecution had simply raised suspicion against this petitioner during the course of investigation and the same suspicion has also been raised against the co-accused person on account of inimical term between the deceased and co-accused Md. Jumman Mansoor, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 the concerned Court in connection with Basopatti P.S. Case No.274 of 2021, on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates



without sufficient reason, his 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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