

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20075 of 2022

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

Dasai Mushar @ Dasai Ram, Son of Late Dina Nath Mushar, Resident of
Village- Bampali, P.S.- Udwant Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-07-2022 Heard Mr. Ajay Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

The petitioner seeks regular bail, who is in custody in connection with Udwantnagar (Gajrajganj) P.S. Case No. 54 of 2020 (S.T. no. 111 of 2021) registered for the offences punishable under Sections 302/34, 201/34 of the Indian Penal Code.

As per prosecution case, it is alleged that some unknown persons killed the brother of the informant pressing his neck and in order to cause disappearance of his dead body tried to burn the same, but the body was not burnt fully. The informant has further alleged that he has got no reason behind the occurrence and also about the person, who committed the



occurrence.

It is submitted by the learned counsel appearing on behalf of the petitioner that the F.I.R. has been instituted against unknown persons and the name of the petitioner transpired in the confessional statement of co-accused Lal Bansi Musahar and save and except the confessional statement, there is no other material, which suggests the complicity of the petitioner in the present case. It is next submitted that other co-accused person, having similar allegations, has already been granted bail by this Court in Cr. Misc. No. 12034 of 2022 vide order dated 05.07.2022, a copy of which has been produced before this Court, which is kept on record. It is next submitted that the petitioner is in custody since 10.02.2020 having fair antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation, the complicity of the petitioner has been found.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the name of the petitioner has transpired on the confessional statement of co-accused and save and except the confessional statement, there is no material and moreover the other co-accused person, having identical allegation, has already been granted bail by this



Court, 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, Bhojpur at Ara in connection with Sessions Trial No. 111 of 2021, arising out of Udwanthnagar (Gajrajganj) 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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