

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37223 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

Jubair Kha S/O Late Gulam Mohiuddin Kha R/O Village-Dandawa, P.S-
Chainpur, District-Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Pandey, Advocate

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-10-2022 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 Chainpur
P.S. Case No. 95 of 2020 registered for the offence under
Section 302 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.05.2022.

The allegation against the petitioner is to commit
murder of his minor son by putting a rope in neck of the
deceased.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has been falsely implicated in this case



due to family dispute. It is further submitted that due to local enmities, the choukidar/informant implicated petitioner with false allegation. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that present case is a brutal murder of minor son, where petitioner is father. It is submitted that minor brother of deceased, who was the eye witness of the occurrence, supported allegation specifically against this petitioner, during the course of investigation and as so he pointed out page no.-8 of the case diary, where statement of Sohail Khan is available. It is further pointed out that the post-mortem report and cause of death is in full collaboration with manner in which the murder was committed.

Considering the facts and circumstances as mentioned above, as there is specific allegation available against this petitioner to commit murder of his minor son, which is duly supported by eye witness, during the course of investigation, this Court is not inclined to grant bail to the petitioner, at



present.

Accordingly, prayer of bail of the petitioner is rejected herewith.

Learned Trial Court is directed to proceed with the matter, by taking it on board, if required, on daily basis, so as trial may conclude within nine months of receiving of copy of this order.

Superintendent of Police, Kaimur is directed to produced the charge-sheeted witnesses, as and when directed by the learned Trial Court/Special Court, for expeditious disposal of trial, within specified time, as directed above.

(Chandra Shekhar Jha, J)

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