

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42881 of 2021**

Arising Out of PS. Case No.-2 Year-2021 Thana- BELSAND District- Sitamarhi

MD. WAJID S/o Late Munif R/o village- Jafarpur, P.S.- Belsand, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 55379 of 2021**

Arising Out of PS. Case No.-2 Year-2021 Thana- BELSAND District- Sitamarhi

Md. Alim S/O Md. Monif R/O Village-Jafarpur, P.S-Belsand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 55455 of 2021**

Arising Out of PS. Case No.-2 Year-2021 Thana- BELSAND District- Sitamarhi

MD. AYUB Son of Md. Alim Resident of Village - Jafarpur, P.S.- Belsand, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 56180 of 2021**

Arising Out of PS. Case No.-2 Year-2021 Thana- BELSAND District- Sitamarhi

1. Md. Sahim son of md. Wajid Resident of Village - Jafarpur, P.S.- Belsand, District - Sitamarhi.
2. Md. Shahzad Son of Md. Wajid Resident of Village - Jafarpur, P.S.- Belsand, District - Sitamarhi.

... .. Petitioner/s



Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 42881 of 2021)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate  
: Mr. Pushpendra Kumar Singh, Advocate  
: Smt. Divya Bharti, Advocate  
For the Opposite Party/s : Md. Fahimuddin, APP  
For the Informant : Mr. Dinesh Jha, Advocate

(In CRIMINAL MISCELLANEOUS No. 55379 of 2021)

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate  
For the Opposite Party/s : Mr. Pranav Kumar, Advocate  
For the State : Mr. J.N. Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 55455 of 2021)

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate  
For the Opposite Party/s : Mr. Pranav Kumar, Advocate  
For the State : Mr. Navin Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 56180 of 2021)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate  
: Mr. Pushpendra Kumar Singh, Advocate  
: Smt. Divya Bharti, Advocate  
For the Opposite Party/s : Mr. Dinesh Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

7 05-12-2022

**(In Cr. Misc. No. 42881 of 2021)**

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 Belsand  
P.S. Case No. 02 of 2021 registered for the offence under  
Sections 341, 323, 302, 201, 120(B), 504, 506/34 of the Indian  
Penal Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 05.01.2021.



The allegation against the petitioner is to commit murder of son of the informant, alongwith other co-accused persons, due to dispute developed during cricket game.

Learned counsel, N.K. Agarwal, appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence and merely, as some dispute developed out of cricket match as per F.I.R., petitioner was falsely implicated in this case. It is further submitted that as per para 26 of the case diary weapon of murder, which was a knife, was recovered on the basis of confessional statement of co-accused, namely, Md. Salman. It is also submitted that to make accusation more aggravated, allegation of honor killing surfaced, without any basis, which is nothing but improved version of the F.I.R. It is also submitted that the allegation as regard to assault, as per F.I.R. is appearing very much general and omnibus against this petitioner, whereas he was not amongst the co-accused persons, who advanced threat to informant. It is also submitted that petitioner was implicated in this case, being the father of the main co-accused. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP duly assisted by learned counsel, Shri Dinesh Jha, appearing on behalf of the informant, while opposing the prayer of bail submitted that it is a case of honor killing..

Considering the facts and circumstances as mentioned above, as weapon of murder was recovered on the basis of confessional statement of co-accused Md. Salman, where allegation against this petitioner is appearing very much general and omnibus, where he is in custody since 05.01.2021, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Belsand P.S. Case No. 02 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Sitamarhi/concerned Court, subject to the conditions as mentioned:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the learned Trial Court itself for the cancellation



of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

**(In Cr. Misc. No. 55379 of 2021)**

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 Belsand P.S. Case No. 02 of 2021 registered for the offence under Sections 341, 323, 302, 201, 120(B), 504, 506/34 of the Indian Penal Code.



The accused/petitioner is not named in the F.I.R. and is in custody since 05.01.2021.

The allegation against the petitioner is to commit murder of son of the informant, alongwith other co-accused persons, due to dispute developed during cricket game.

Learned counsel, N.K. Agarwal, appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence and merely, as some dispute developed out of cricket match as per F.I.R., petitioner was falsely implicated in this case. It is further submitted that as per para 26 of the case diary weapon of murder, which was a knife, was recovered on the basis of confessional statement of co-accused, namely, Md. Salman. It is also submitted that to make accusation more aggravated, allegation of honor killing surfaced, without any basis, which is nothing but improved version of the F.I.R. It is also submitted that the allegation as regard to assault, as per F.I.R. is appearing very much general and omnibus against this petitioner, whereas he was not amongst the co-accused persons, who advanced threat to informant. It is also submitted that petitioner was implicated in this case, being uncle of the main co-accused. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and



moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Shri Dinesh Jha, appearing on behalf of the informant, while opposing the prayer of bail submitted that it is a case of honor killing..

Considering the facts and circumstances as mentioned above, as weapon of murder was recovered on the basis of confessional statement of co-accused Md. Salman, where allegation against this petitioner is appearing very much general and omnibus, where he is in custody since 05.01.2021, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Belsand P.S. Case No. 02 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Sitamarhi/concerned Court, subject to the conditions as mentioned:

“(i) That accused/petitioner  
shall not involve in the similar nature  
of offence till the conclusion of trial,



failing which the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

**(In Cr. Misc. No. 55455 of 2021)**

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 Belsand P.S. Case No. 02 of 2021 registered for the offence under



Sections 341, 323, 302, 201, 504, 506/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 05.01.2021.

The allegation against the petitioner is to commit murder of son of the informant, alongwith other co-accused persons, due to dispute developed during cricket game.

Learned counsel, N.K. Agarwal, appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence and merely, as some dispute developed out of cricket match as per F.I.R., petitioner was falsely implicated in this case. It is further submitted that as per para 26 of the case diary weapon of murder, which was a knife, was recovered on the basis of confessional statement of co-accused, namely, Md. Salman. It is also submitted that to make accusation more aggravated, allegation of honor killing surfaced, without any basis, which is nothing but improved version of the F.I.R. It is also submitted that the allegation as regard to assault, as per F.I.R. is appearing very much general and omnibus against this petitioner, whereas he was not amongst the co-accused persons, who advanced threat to informant. It is also submitted that petitioner was implicated in this case being cousin of the main



co-accused. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Shri Dinesh Jha, appearing on behalf of the informant, while opposing the prayer of bail submitted that it is a case of honor killing.

Considering the facts and circumstances as mentioned above, as weapon of murder was recovered on the basis of confessional statement of co-accused Md. Salman, where allegation against this petitioner is appearing very much general and omnibus, where he is in custody since 05.01.2021, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Belsand P.S. Case No. 02 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Sitamarhi/concerned Court, subject to the conditions as mentioned:

“(i) That accused/petitioner  
shall not involve in the similar nature



of offence till the conclusion of trial, failing which the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

**(In Cr. Misc. No. 56180 of 2021)**

Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Belsand



P.S. Case No. 02 of 2021 registered for the offence under Sections 341, 323, 302, 201, 120(B), 504, 506/34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 03.04.2021.

The allegation against the petitioners is to commit murder of son of the informant, alongwith other co-accused persons, due to dispute developed during cricket game.

Learned counsel, N.K. Agarwal, appearing on behalf of the petitioners submitted that informant is not the eye witness of the occurrence and merely, as some dispute developed out of cricket match as per F.I.R., petitioners were falsely implicated in this case. It is further submitted that as per para 26 of the case diary weapon of murder, which was a knife, was recovered on the basis of confessional statement of co-accused, namely, Md. Salman. It is also submitted that to make accusation more aggravated, allegation of honor killing surfaced, without any basis, which is nothing but improved version of the F.I.R. While concluding the argument, it has been submitted that petitioners are men of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering



with the evidence.

Learned APP duly assisted by learned counsel, Shri Dinesh Jha, appearing on behalf of the informant, while opposing the prayer of bail submitted that it is a case of honor killing..

Considering the facts and circumstances as mentioned above, as weapon of murder was recovered on the basis of confessional statement of co-accused Md. Salman, where allegation against this petitioners are appearing very much general and omnibus coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Belsand P.S. Case No. 02 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Sitamarhi/concerned Court, subject to the conditions as mentioned:

“(i) That accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court



itself for the cancellation of bail bond  
of the petitioner.

(ii) That accused/petitioners  
shall cooperate in the trial and shall be  
physically present on each and every  
date before the learned Trial Court till  
conclusion of the trial and exemption  
from physical appearance be allowed  
by the learned Trial Court, only on  
medical ground of the petitioners, duly  
supported by the documents.

(iii) That one of the bailors  
shall be deponent of the present bail  
petition.”

**(Chandra Shekhar Jha, J)**

Archana/-

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