

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35044 of 2022

Arising Out of PS. Case No.-66 Year-2019 Thana- CHOUTARWA District- West Champaran

1. MANOJ MUSAHAR @ MANOJ MUSHAR SON OF LATE MOTILAL MUSHAR @ MOTILAL MUSAHAR Resident of Village- Bahuarawra Farm, P.S.- Chautarwa, District- West Champaran
2. Banai Mushar @ Banai Mushar Son of lalbabu Musahar @ Lalbabu Mushar Resident of Village- Bahuarawa Farm, P.S.- Chautarwa, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Chautarwa P.S. Case No. 66 of 2019 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

As per prosecution case, the petitioners and others killed the brother of the informant. It is further alleged that when the informant's brother was alive, he told the informant that petitioners and others assaulted him by fists and slaps



earlier and threatened to kill him.

Learned counsel for the petitioners submits that petitioners are in custody since 25.04.2022. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is no eye witness. Due to some suspicion, name of present petitioners has been dragged in the present case. There is general and omnibus allegation against the petitioners. Co-accused Majistar Mushar alias Majistar Musahar has already been granted bail vide Cr. Misc. No. 68938 of 2019 by a co-ordinate bench of this Court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of petitioner, similarly situated co-accused person has already been granted bail by the co-ordinate bench of this Court and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two



sureties of the like amount each to the satisfaction of learned A.C.J.M., 1st Bagaha, West Champaran in connection with Chautarwa P.S. Case No. 66 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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