

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49282 of 2021**

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

Lal Banshi Mushar, Son of Jagdish Mushar, Resident of Village- Bampali,
P.S. - Udawantnagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 08-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Shiv Prasad Gupta, learned counsel appearing on behalf of the petitioner and learned APP for the state.

The Petitioner seeks regular bail, who is custody in connection with Udawantnagar (Gajrajganj) P.S. Case no. 54 of 2020, giving rise to Sessions Trial No. 111 of 2021, registered for the offences under Sections 302, 201/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that co-villagers of the informant namely, Mohan Mushar and the



petitioner Lal Banshi Mushar are stated to have been informed the informant above the death of his younger brother, whose dead body was lying in the Mushar Toli. It is further alleged that it appeared that the brother of the informant had been strangled to death.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the FIR, however during the course of investigation, the spy of the police disclosed about the complicity of the petitioner in the present crime and on the basis thereof the petitioner was apprehended and his confessional statement was recorded. It is further submitted that save and except the suspicion and his self confessional statements, there is no material which suggests the complicity of the petitioner in the present crime. It is also submitted that other co-accused persons namely, Chhotu Mushar @ Chhanu @ Chhamu Musahar and has already been granted bail by the learned coordinate benches of this Court in Cr. Misc. No. 20655 of 2021 vide order dated 15.11.2021. It is next submitted that this petitioner is custody since 10.02.2020 having fair antecedent.

On the other hand, learned counsel for the state vehemently opposes the bail application and submits that during



the course of investigation ample material has come.

Having regard to the submissions made on behalf of the petitioner and considering the fact that the F.I.R. has been instituted against unknown persons and the name of the petitioner has transpired on the disclosure made by the spy of the police and moreover other accused persons, having identical allegation, has already been granted by learned co-ordinate Bench of 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 Additional Sessions Judge-XIII, Bhojpur at Ara in connection with Udawanagar (Gajrajganj) P.S. Case no. 54 of 2020, giving rise to Sessions Trial No. 111 of 2021, 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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