

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.52789 of 2021**

Arising Out of PS. Case No.-62 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)

BABLU SHEIKH @ ANAMUL HAQUE Son of Late Ibnul Hoda Resident of  
Village- Sawakhara, P.S.- Chand, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 54923 of 2021**

Arising Out of PS. Case No.-62 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)

MUBSIR HASAN@ MABASIR HASAN @ BHUTTO Son of Late Ibnul  
Hoda Resident of Village- Sawakhara, P.S.- Chand, District- Kaimur  
(Bhabhua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 52789 of 2021)

For the Petitioner/s : Mr. Akashdeep, Advocate.

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

For the Informant : Mr. Nilesh Kumar Pandey, Advocate.

Ms. Kiran Kumari Sharma, Advocate.

(In CRIMINAL MISCELLANEOUS No. 54923 of 2021)

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate.

Mr. Akashdeep, Advocate.

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

For the Informant : Mr. Nilesh Kumar Pandey, Advocate.

Ms. Kiran Kumari Sharma, Advocate.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR  
ORAL ORDER**

3      23-08-2022              Learned counsel for the petitioners is permitted to  
  
remove defect(s), as pointed out by the office, if any, within a  
  
period of four weeks from today.

With the consent of the parties, both the matters are  
  
being heard together and disposed of by the present common  
  
order.

Heard Mr. Akashdep and Mr. Rajesh Kumar Mishra,



learned counsels for the petitioners, Mr. Nilesh Kumar Pandey, learned counsel for the informant as well as Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Chainpur P. S. Case No. 62 of 2021 registered for the offences punishable under Sections 302 and 201 read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the marriage of the informant was solemnized with Mohammad Ali about 24-25 years ago. The husband of the informant had five brothers and there was a land dispute. The petitioners have always been fighting with her husband and also lodged false cases. It is further alleged that on 12.04.2021 at about 11:00 A.M., the husband of the informant had gone Sawkhara along with the original land related documents to settle the dispute but in the evening, she came to know that the petitioners and some unknown persons assaulted them and snatched the original land related documents and her husband died in the way to hospital. It is also alleged that her husband has been killed by both the petitioners with the help of unknown persons.



Learned counsels appearing on behalf of the petitioners submitted that from the tenor of the F.I.R., it is evident that the informant is not an eye-witness to the alleged occurrence nor he disclosed as to how and from whom she came to know about the occurrence. It is further submitted that only because of the past animosity on account of land dispute, the name of the petitioners have been implicated in this case, though there is no cogent or any other material which suggests the complicity of the petitioners in the present crime. It is next submitted that during the course of investigation, none of the witnesses have come forward to support the prosecution cases that the petitioners were seen while assaulting or threatening the deceased. However, it has come that at about 9:00 O'clock on hearing some *hulla* when the witnesses reached to the place of occurrence, they found that some of the persons were fleeing away from the place of occurrence after snatching the motorcycle of the deceased and save and except this material nothing has come during the course of investigation. It is also submitted that no incriminating material much less the looted motorcycle and original documents have been recovered from the person or possession of these petitioners. Learned counsels for the petitioners last submitted that both the petitioners are in



custody since 21.06.2021, having fair antecedent.

Learned counsel for the informant vehemently opposes the bail application and submits that the petitioners are full brother of the deceased and on account of land dispute both the petitioners were threatening the deceased with dire consequences and even during the course of investigation, it has come that just before the occurrence some altercation had taken place between the petitioners and the deceased. It is also submitted that the snatching the motorcycle and the original documents relating to the land also suggests the complicity of the petitioners in the present crime. It is also submitted that during the course of investigation, the mobile location of one of the petitioners, namely, Mubshir Hasan @ Mabasir Hasan @ Bhutto was found near the place of occurrence.

The learned APP for the State also opposes the bail application and submits that the trial is in the progress and one of the charge sheeted witnesses has already been examined.

Having considered the submissions made on behalf of the parties and taking into account the fact that the informant is not an eye-witness to the alleged occurrence and save and except the suspicion there is no other material suggesting the complicity of the petitioners, apart from the fact that the



petitioners having fair antecedent, are in custody since 21.06.2021, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 2<sup>nd</sup> Bhabua (Kaimur) in connection with Chainpur P. S. Case No. 62 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain physically present on each and every date of trial till disposal of the case.
- (iii) They 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, their bail bonds will liable to be cancelled.

**(Harish Kumar, J)**

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