

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2041 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- SHRI NAGAR District- Madhepura

1. Md. Injar, Son of Md. Islam, Resident of Village- Laxmipur, Bhagwati @ Laxmipur Bhagwati Ward No.15, P.S.- Srinagar, Dist- Madhepura.
2. Md. Abdul, Son of Md. Islam, Resident of Village- Laxmipur, Bhagwati @ Laxmipur Bhagwati Ward No.15, P.S.- Srinagar, Dist- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43000 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- SHRI NAGAR District- Madhepura

Md. Mosim @ Md. Wasim Son Of Md. Shamim @ Shamim Ali R/O Village- Pokhariya, Ward No.-3, P.S.- Srinagar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45071 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- SHRI NAGAR District- Madhepura

Md. Islam, Son of late Md. Haji Hanif R/o Vill- Laxmipur Bhagwati, Ward No.- 15, P.S.- Srinagar, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2041 of 2022)

For the Petitioner/s : Mr. Gajendra Kr. Jha, Advocate
Mr. Bam Bahadur Jha, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

(In CRIMINAL MISCELLANEOUS No. 43000 of 2022)

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 45071 of 2022)

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP



CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-10-2022 Heard learned counsel for the petitioners and
learned APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Sri Nagar P.S. Case No. 85 of 2021 registered
for the alleged offences under Sections 302 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioners and other co-
accused persons shot dead the grandfather of the informant in
the background of dispute over transfer of land by the deceased
in favour of petitioner Md. Islam and Md. Injar.

It has been submitted on behalf of the petitioners that
the petitioners are innocent and have been falsely implicated in
this case. It is admitted fact that the informant and petitioners
are co-sharers and the FIR has been lodged and all the male
family members of the petitioners have been made accused in
order to grab their share. From the FIR, it is also apparent that
the informant is not an eye-witness and it also appears from the
same FIR that two persons fled away after shooting the
grandfather of the informant dead. However, the informant



named all the petitioners and his family members as accused in this case. It has further been submitted on behalf of the petitioners that the witnesses, during examination by the police, have stated about some land dispute with neighbours of the deceased. It has also come during investigation that the deceased himself went to execute the sale deed in favour of the petitioners and there was no dispute over transfer in favour of the petitioners so, there was no reason for the petitioners to kill the grandfather of the informant who was also the grandfather of the petitioners Md. Injar and Md. Abdul, respectively. It has also been submitted on behalf of the petitioners that the entire FIR is an afterthought and there is nothing against the petitioners except the statement of the informant and his family members. Even the mother of the informant did not support the prosecution version and stated that no one has seen the person who killed the grandfather of the deceased who had distributed his landed property amongst all his three sons and further went to execute the gift deed in favour of Md. Islam. It further appears from the entire version of the prosecution story that it is the informant conspired against the deceased and the family of the present petitioners and killed the deceased and implicated his uncle and his family. The petitioners are in custody since



04.09.2021, 09.01.2022 and 05.04.2022, respectively and charge-sheet has been submitted.

Learned APP opposes the submissions made on behalf of the petitioners. Learned APP submits that the petitioners are named in the FIR and it has been alleged that the petitioners Md. Injar and Md. Mosim fired upon the deceased who died on the spot.

Perused the records.

Having regard to the submissions made on behalf of the parties and considering the fact that nothing of substance has come up against petitioners to connect them with the offence as alleged and further considering their period of custody and the submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Madhepura in connection with Sri Nagar P.S. Case No. 85 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner No.1 Md. Injar and petitioner No. 3 Md. Islam will be accepted



only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioners.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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