

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70588 of 2021**

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

DILIP MUSHAR Son of Sudama Mushar Resident of Village- Bahawarwa
Pharma, P.S.- Chautarwa, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sharma

For the Opposite Party/s : Mr.Renu Kumari

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 13-10-2022 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 petitioner and
learned A.P.P. for the State.

The petitioner seeks 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, allegation against the
petitioner is that he alongwith others committed the murder of
informant's brother.

Learned counsel for the petitioner submits that
from perusal of the FIR it is evident that there is no eye witness
to the alleged occurrence rather FIR has been lodged against



nine persons. He further submits that except suspicion there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence and the allegations are general and omnibus in nature. He further submits that petitioner is in custody since 09.04.2021 and bears no criminal antecedent. He also submits that similarly situated co-accused, Narayan Mushar and Acchay Mushar have already been granted bail vide Cr. Misc. No. 55764 of 2019 by 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 petitioner.

Considering the facts and circumstances of the case, period of custody, similarly situated co-accused persons have already been granted bail, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail 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-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) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers 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)

vashudha/-

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