

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24742 of 2023

Arising Out of PS. Case No.-231 Year-2019 Thana- KUSHESHWARASTHAN District-
Darbhanga

MD. HASIM Son of Md. Samsul @ Md. Shamshul Resident of village -
Bhudhwa Balanath, P.O.- Bhindua, P.S. - Kusheshwar Asthan, Distt. -
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 302, 120B and 34 of
the Indian Penal Code.

As per prosecution case, the informant is the brother
of the deceased, who has alleged that the deceased had lent Rs.
50,000/- to the petitioner for solemnizing the marriage of his
daughter. When the money was demanded by the deceased, the
petitioner got irked and thought of teaching a lesson to the
deceased. In order to create a situation whereby the deceased
could be killed, the petitioner is alleged to have developed some
intimacy with the deceased. Later, it has been alleged that the



deceased was accompanied by the petitioner and another and thereafter the whereabouts of the deceased could not be known. The petitioner and his associates were also found to be absconding, raising suspicion against him. The allegation therefore, has been laid in the FIR that the petitioner along with his associates have killed the deceased.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. Petitioner and informant are co-villager and there has been land dispute between them. He submitted that it would be a case of suspicion and last seen with the deceased. There is no consistent evidence and no eye-witness of the occurrence to show that the petitioner has involved in the said crime. He further submitted that the other co-accused namely Md. Sikandar @ Md. Sikindar has already been granted bail by a Co-ordinate Bench vide order dated 19.03.2020 passed in Cr. Misc. No. 79237 of 2019. He is languishing in judicial custody since 30.01.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is



inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court concerned in connection with Kusheshwarasthan P.S. Case No. 231 of 2019.

(Sunil Kumar Panwar, J)

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