

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34338 of 2023

Arising Out of PS. Case No.-187 Year-2022 Thana- DINARA District- Rohtas

1. Manju Musahar @ Manjul Musahar son of Sugriv Mushar Village- Baradhi Ps- dinara, Dist- Rohtas at Sasaram
2. Suga Musahar @ Suraj Musahar son of Sugriv Mushar Village- Baradhi Ps- Dinara, Dist- Rohtas at Sasaram
3. Kamlesh Musahar son of Late Safi Musahar Village- Baradhi Ps- Dinara, Dist- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Riya Singh, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-06-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Dinara
P.S. Case No. 187 of 2022 registered for the offence under
Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the
Indian Penal Code (in short 'I.P.C.') and later on Section 302 of



the I.P.C. was added.

The accused/petitioners are named in the F.I.R., where petitioner nos. 1 and 2 are in custody since 10.06.2022 and petitioner no. 3 is in custody since 19.06.2022.

The allegation against the petitioners is to commit murder of father of informant alongwith other co-accused persons and also to cause bodily injury to the husband of informant during the course of occurrence by using *lathi*, rod, “**rama**” (a sharp-edged cut weapon), where occurrence arises out of neighbourhood disputes and differences, where husband of informant objected the involvement of petitioners and his family members regarding involvement in illegal activities of illicit liquor.

Learned counsel appearing on behalf of the petitioners submitted that from the bare perusal of F.I.R. it can be safely gathered that informant is not the eye witness of the occurrence, where petitioners alongwith other co-accused persons alleged to be assaulted her father-in-law causing his death only for the reason that, as per narration of F.I.R., same was taken place in field much away from the house. It is submitted that as far bodily injury of the husband of informant is concerned, same found “**simple**” in nature and is not of such nature which may



cause death in ordinary course of nature. It is submitted that similarly situated co-accused person, namely, Baliram Mushar has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 72581 of 2022 vide order dated 12.05.223. While concluding the argument, it has been submitted that petitioners are men of clean antecedent and moreover, both petitioners found involved in one more case, where they are on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the nature of allegation, where the implication appears on the basis of suspicion as informant is not the eye witness of the occurrence coupled with the fact that charge-sheet has already submitted, where injury received by husband of the informant is of simple in nature, where petitioner nos. 1 and 2 are in custody since 10.06.2022 and petitioner no. 3 is in custody since 19.06.2022, accordingly, all three above named petitioners are directed to be released on bail in connection with Dinara P.S. Case No. 187 of 2022 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 District and Sessions Judge-V, Rohtas at
Sasaram/concerned court, subject to the conditions as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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