

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73781 of 2022**

Arising Out of PS. Case No.-29 Year-2021 Thana- TEYAR District- Bhojpur

UPENDRA MUSHAR Son of Bhuar Mushar R/V- Devrarah Mushar Toli,  
P.S- Tiyar, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shiv Prasad Gupta, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      06-07-2023      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
21.06.2021 in connection with Tiyar P.S. Case No.29/2021, S.  
Tr. No.284/2021, F.I.R. dated 11.05.2021, for the offences  
punishable under Sections 302, 201 and 34 of the IPC.

According to prosecution case, the informant alleged  
that her husband (petitioner) killed his son and his dead body  
was buried somewhere.

Learned counsel for the petitioner submits that the  
petitioner has clean antecedent and he has falsely been  
implicated in the present case. He further submits that the  
present case is peculiar case. The mother of the deceased has  
filed the present case against the petitioner, who happens to be



the husband of the informant. He further submits that the allegation against the petitioner is that he might have killed his son. He further submits that there is no eyewitness of the alleged occurrence and no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Bhuar Mushar and Parvatia Devi, who are grand father and grand mother of the deceased have been granted bail by a co-ordinate Bench of this Court vide order dated 21.03.2022 passed in Cr. Misc. No. 1216/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.06.2021.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Vide order dated 13.04.2023, a report was called for from the learned Trial Court regarding the present stage of the trial. Report dated 18.04.2023 of the learned Trial Court reveals that altogether seven prosecution witnesses including the I.O. and the doctor are cited in the charge sheet but the prosecution has not examined any witness as yet.

Learned counsel for the petitioner submits that in view



of the report of the learned Trial Court, the trial is not likely to be concluded in near future and the petitioner is in custody since 21.06.2021.

Considering the report of the learned Trial Court and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XIII, Bhojpur at Ara in connection with Tiyar P.S. Case No.29/2021, S. Tr. No.284/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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