

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74757 of 2022

Arising Out of PS. Case No.-274 Year-2021 Thana- BASOPATTI District- Madhubani

1. TANVEER MANSUR @ MD. TANVEER MANSUR S/o Md. Jumman Mansur @ Juman Mansur R/v- Janki Nagar, P.S.- Basopatti, District- Madhubani
2. JIBUL MANSUR @ JIYABUL MASUR S/o Md. Jumman Mansur @ Juman Mansur R/v- Janki Nagar, P.S.- Basopatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-03-2023 Heard learned counsel appearing on behalf of the parties.

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

The petitioners seek bail in connection with Basopatti P.S. Case No. 274 of 2021 registered for the offence under Sections 302, 201 and 120(B) of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 10.10.2022.

The allegation against the petitioners is to commit murder of son of the informant, due to disputes arises out of previous enmity/quarrel.



Learned counsel appearing on behalf of the petitioners submitted that mere on the basis of suspicion, as petitioners indulged in a quarrel with informant and family members, the present false case has been raised without any connecting evidence. It is submitted that no incriminating material surfaced/recovered, during course of investigation, which may connect these petitioners, with present occurrence of murder. It is also submitted that similarly situated co-accused, namely, Md. Chhotu Mansur, has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 14323 of 2022 dated 29.08.2022. It is also submitted that during course of investigation even the witness raised suspicion, only for the reason that deceased was found in love affairs with daughter of one unknown co-accused, namely, Mahabir Jha. While concluding the argument, it is submitted that investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced, during



course of investigation, which may connect these petitioners, *prima facie*, with the present occurrence of murder coupled with the fact that charge-sheet has already been submitted, let both petitioners, above named, are directed to be released on bail in connection with Basopatti P.S. Case No. 274 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Madhubani/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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