

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20920 of 2017

Arising Out of PS.Case No. -62 Year- 2016 Thana -HABIBPUR District- BHAGALPUR

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Md. Pappu @ Dabloo @ Md. Dablu @ Pappu S/o- Md. Mukho @ Monir,
Resident of Village- Mamelichak, P.S.- Habibpur, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 29-06-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Habibpur
P.S. Case No. 62 of 2016, registered under Sections 302 and 120-B/34
of Indian Penal Code, pending in the Court of Addl. Chief Judicial
Magistrate-XII, Bhagalpur.

The allegation of informant Md. Ismail is that on
05.11.2016 at about 8.15 P.M. he was at his house then he received
information on his mobile that his elder brother Md. Esrafil @ Sintu
was being assaulted by Firoj Koyalawala. Thereafter, informant along
with his elder brother Jibrail @ Babu reached there and saw that Firoj
along with his son Afroj, Mehtab, Fulwa and Dablu (Petitioner), son of
Mukho along with 3-4 unknown were assaulting his elder brother. On
raising hulla, all of them fled away. Thereafter on information Police



reached there and his elder brother was rushed at Mayaganj Hospital, where Doctor declared his brother dead.

Learned counsel appearing on behalf of the petitioner submits that in course of investigation, it has come in the statement of witnesses that head injury was caused to the deceased by co-accused Firoj. Further submission is that petitioner has no criminal antecedent and in custody since 08.11.2010.

Learned counsel for the State vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner, who caused injury to the person of the deceased and in the Post-mortem report out of 07 injury three injuries was found on the head of the deceased.

Having considered the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner on bail. Accordingly, prayer of the petitioner, above named, is rejected.

(Rajendra Kumar Mishra, J)

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