

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51933 of 2016

Arising Out of PS.Case No. -36 Year- 2015 Thana -BARSOI District- KATIHAR

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Md. Jamarul @ Md. Zamrul, son of Late Mokimuddin, resident of village
Manaikhar, P.S. Barsoi, District Katihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 08-03-2017 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing for the
informant.

Petitioner is languishing in judicial custody since
27.09.2016 in connection with Barsoi P.S. Case No. 36/15
registered for the offences punishable under Section 302 and other
allied Sections of the Indian Penal Code.

The prosecution case is that on 08.03.2015 at about
8.00 P.M. children of Md. Naiyar and Md. Jamrul (petitioner)
were quarrelling with each other, on which wife of petitioner
abused the wife of Naiyar. After sometime Naiyar went before the
petitioner, asked about the quarrel, thereafter petitioner and others
came with knife and started quarrelling with Md. Naiyar. Husband
of the informant tried to pacify the matter but all of them caught



her husband and petitioner, his wife and his son gave knife blow to the husband of the informant, due to which he received severe injury and died at the spot and one Wasim also received injury.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case due to land dispute. He submits that there was quarrel between both the sides but the petitioner has not committed any overt act. It is further submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel appearing for the informant submits that the petitioner had inflicted knife blow on the husband of the informant and witnesses have supported the prosecution case. It is further submitted that as per post mortem report, there were four injuries and cause of death was haemorrhage and injury penetrating to the heart.

Learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances, I am not inclined to grant the petitioner privilege of bail in connection with Barsoi P.S. Case No. 36/15, pending in the court of Chief Judicial



Magistrate, Katihar.

Prayer for bail is, accordingly, rejected.

(Nilu Agrawal, J)

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