

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.10839 of 2018**

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1. Md. Jamarul @ Md. Zamrul, Son of Late Mokimuddin, Resident of  
Village- Manaikhar, P.S.- Barsoi, District- Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Brajendra Nath Pandey

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      04-04-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

This is the second round of litigation. Earlier the prayer  
of the petitioner for grant of bail was rejected vide order dated  
08.03.2017, passed in Cr. Misc. No. 51933 of 2016.

Petitioner is languishing in judicial custody since  
27.09.2016 in connection with Barsoi P.S. Case No. 36 of 2015,  
G.R. No. 575 of 2015 for offences punishable under Section 302  
and other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is  
that on the basis of quarrel between the children of one Md.  
Naiyar and Md. Jamrul (petitioner) there was quarrel between both  
parties and the petitioner, his wife and son assaulted the husband



of the informant and gave knife blow on which he received severe injury and died on the spot. One of the relatives also received injury.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and there was land dispute between both parties. He submits that even now trial has not begun and the petitioner is languishing in judicial custody for more than 1½ years.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner, his wife and son have inflicted knife blow on the informant's husband resulting in his death.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Barsoi P.S. Case No. 36 of 2015, G.R. No. 575 of 2015, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating his relationship with the petitioner.

- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

**(Nilu Agrawal, J)**

Rajesh/-

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