

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8661 of 2019

Arising Out of PS. Case No.-850 Year-2018 Thana- MASAUDHI District- Patna

Md. Imtiyaz @ Alam @ Ghasitan @ Md. Intyaz Alam Son of Md. Kudus @
Md. Kudus Miyan @ Md. Kudus Alam Resident of Village - Kashmirganj,
P.S. Masaurhi, District - Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiw Kumar Prabhakar, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-04-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 302, 201,120(B)/34 of the Indian Penal Code.

The petitioner and others took the deceased from his house to play gamble. In the play, the deceased won and others were losers. Hence, all started assaulting him and the petitioner allegedly caused dagger blow, as a result whereof son of the informant died.

Submission is that there is no eye witness of the occurrence of murder. Only circumstance is last seen when the petitioner and others had taken the deceased for playing gamble. Thus initial intention was apparently not to



commit murder, even if the aforesaid prosecution allegation is assumed to be correct. Petitioner is in custody since 09.11.2018. Investigation of the case is already complete.

Considering the fact that there is no direct evidence against the petitioner, let the petitioner, above named, be released on bail **after framing of charges** on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Masaurhi P.S. Case No. 850 of 2018, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below having immovable property.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

Rajan/Banti

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