

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33667 of 2019

Arising Out of PS. Case No.-88 Year-2018 Thana- RAUTA District- Purnia

MD. HASAN, age 30 years, Male, Son of Kutubuddin, Resident of Village-
Sirsi, P.S.- Rauta, District- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Nadimul Hasan, Advocate.

For the Opposite Party : Mr.Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 20-09-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 302/34 of the IPC.

The prosecution story, in brief, is that on 08.09.2018
at about 2.00 P.M., all the F.I.R. named accused persons
including the petitioner was fencing *Tatti* behind their house. In
the meantime, husband of the informant, namely, Alaluddin
(deceased) reached there and told that they are also fencing *Tatti*
inside his land and made protest then accused persons started
assaulting her husband. On hullah, informant and his son,
namely, Md. Salim Akhtar, reached there and started saving her



husband then Hasan (petitioner) gave *Dabia* blow on the head of her husband due to which he sustained bleeding injury on his head and fell down then accused persons fled away. Her husband died on the spot on account of head injury.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 11.09.2018. Charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The alleged occurrence is said to have taken place on the spur of the moment. The wife of the petitioner was abused by the deceased. Due to the said reason, on the spur of the moment, a single *Dabia* blow was given by the petitioner on the head of the deceased. There is no repetition of *Dabia* blow. It is, at best, a case for an offence under Section 304 of the IPC.

On behalf of learned counsel for the State, it is submitted that the petitioner is named in the F.I.R. The specific allegation of assault is alleged against this petitioner. The postmortem report also corroborates the allegation made in the F.I.R.

Considering the aforesaid facts and circumstances, I



am not inclined to grant bail to the petitioner. The same is rejected at this stage, in connection with Rouda P.S. Case No. 88 of 2018, pending in the court of learned A.C.J.M.-IIInd, Purnea.

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(Sudhir Singh, J)

