

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52912 of 2019

Arising Out of PS. Case No.-104 Year-2017 Thana- HABIBPUR District- Bhagalpur

Md. Fakhruddin @ Quamar S/o Late Bado @ Rafique R/o village-
Sadaruddinchak, P.S.- Habibpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Sections 328, 302 of the Indian Penal Code.

Allegation is that the informant went to pond for bath
and after lapse of about one hour when she returned her home
and saw that her son was in bad condition and on enquiry her
son told that Md. Mannu called him and after returning he is not
feeling well. Thereafter the informant's son started vomiting and
he was taken to the Hospital for treatment and in course of
treatment he died.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 22.05.2019 and has got no
criminal antecedent. Charge sheet has been submitted in this



case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. In re-statement of the informant, the name of the petitioner has figured. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner in this case. There is no eye witness to the alleged occurrence.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XII, Bhagalpur in connection with Habibpur P.S. case No.104 of 2017.

(Sudhir Singh, J)

Narendra/-

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