

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56909 of 2019

Arising Out of PS. Case No.-98 Year-2019 Thana- HARLAKHI District- Madhubani

MD. KALAM Son of Late Basir Nadaf Resident of Village - Naharniya, P.S.-
Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Raj Kishore Singh

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 04-12-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Harlakhi
P.S. Case No.98 of 2019 registered under Sections 341, 323, 504,
324, 325, 307 and 302/34 of the Indian Penal Code, pending in the
court of the Sub Divisional Judicial Magistrate, Benipatti,
Madhubani.

The accusation is that when the informant along with
her husband Ansarul and brother-in-law Md. Amzad reached near
Md. Kalam and Md. Babloo Nadaf, the step brothers of her husband,
for talking on domestic matter, then both started to abuse and cause
assault to them. In the meantime, this petitioner and Md. Babloo
caused assault at the head of Md. Amzad, the brother-in-law of the
informant, through lathi, due to which he fell down and died on the



spot. Thereafter, both caused injury at the head and eye of Ansarul, the husband of the informant, through knife.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the occurrence of “Maar-Peet” took place between the parties because the informant along with her husband and brother-in-law had come near the petitioner to withdraw the case as lodged against them regarding the murder of the father of the petitioner but the petitioner was not ready. The petitioner is in custody since 30.05.2019.

There is specific allegation against the petitioner and the co-accused Md. Babloo Nadaf to cause injury at the head of the deceased through lathi, who died on the spot, and to cause injury at the head and eye of the husband of the informant.

Having regard to the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected.

(Rajendra Kumar Mishra, J)

P.S./-

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