

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76000 of 2019**

Arising Out of PS. Case No.-109 Year-2019 Thana- POTHIA District- Kishanganj

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MD ISRAIL @ LAL BANO @ LAL BABU Son of Late Yaqub Resident of
Village - Kharabari Udgara, P.S. - Pothia, District - Kishanganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Anant Kumar 1

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

3 12-12-2019 The petitioner seeks regular bail in connection with

Pothia P.S. Case No. 109 of 2019, registered for offences

punishable under Sections 341, 323, 302, 307/34 of the Indian

Penal Code.

Allegation against the petitioner and one co-accused is

of assault to nephew of informant causing his death. There is

also allegation against them of assaulting the informant.

It has been submitted on behalf of the petitioner that

the F.I.R. itself shows that the occurrence took place due to

grazing of cattle of petitioner in the field of informant and the

occurrence took place in the spur of moment and there was no

intention to kill the deceased. Petitioner has been in judicial

custody sine 12.08.2019.

Learned counsel for the State opposed the prayer for



bail on the ground that there are materials against the petitioner in the case diary showing that the petitioner and one co-accused assaulted the deceased and in the postmortem report also, two injuries were found on the dead body of the deceased.

Having heard both sides, considering the facts and circumstances of the case, at this stage, I am not inclined to enlarge the petitioner on bail.

This application is accordingly dismissed.

(Vinod Kumar Sinha, J)

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