

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9003 of 2020

Arising Out of PS. Case No.-6 Year-2019 Thana- ANGARH District- Purnia

MOHAMMAD JAKKAR Son of Late Imazuddin Resident of Village -
Chanwar Kolha, Police Station - Angarh, District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh

For the Opposite Party/s : Mrs. Anita Kumari Singh

Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 29-06-2020 The present case was heard at length on 26.06.2011 and today it has been placed before this Court under the heading 'For Orders'.

Heard the learned counsel for the petitioner and Mrs. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Angarh P.S. Case No. 06 of 2019 for the offence registered under Sections 147, 341, 323 and 302 of the Indian Penal Code.

The case of the prosecution in brief is that on 27.05.2019 at about 7:30 P.M. while the informant was at Domukh Haat, he got information that his father has been killed whereafter he rushed to the place of occurrence and found his father lying on the ground and then water was sprinkled on his face but he had died. It is further alleged that the younger brother of the informant had told him that on account of dispute of palm tree, the accused



persons including the petitioner herein had assaulted his father with fist and pressed his neck on account of which he died.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that a bare perusal of the postmortem report would show that the deceased had died a natural death.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and perused the materials on record as also gone through the material available in the case diary. It is apparent from a bare perusal of the case diary that the witnesses have stated that an altercation had taken place in between the deceased and the petitioner herein, however, the villagers had pacified them whereupon both the deceased and the petitioner had gone to their respective house, however, subsequently, it appears that the deceased fell suddenly near the mosque whereafter the villagers had laid him on the floor of the mosque, however, he died suddenly. In fact the Sub-Divisional Police Officer in his supervision note dated 16.07.2019 has opined that the exact reason for death of the deceased has not been disclosed by the doctor, hence the final decision in this case shall be taken after receipt of the report from the forensic department.



In such view of the matter, prima facie it appears that the deceased has died a natural death, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, however, he shall join investigation and shall appear before the Investigating Officer, whenever called upon, failing which the Investigating Officer would be free to file appropriate application before this Court for cancellation of the privilege of anticipatory bail being extended to the petitioner herein.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Purnea in connection with Angarh P.S. Case No. 06 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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