

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8083 of 2020

Arising Out of PS. Case No.-128 Year-2019 Thana- TERHAGACHH District- Kishanganj

FAKIRA Son of Late Usman Resident of Village-Fulbari, P.S-Terhagachh,
District-Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-07-2020 This case has been heard through video conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 323, 324, 325,
326, 307, 302 and 120(B) of the Indian Penal Code.

As per allegation in the FIR, 16 named accused
persons including the petitioner is stated to have come variously
armed and it is stated that the petitioner gave a knife blow on
the arm of the informant's husband while co-accused Tanjeer @
Tanjir gave a knife blow on the chest of the husband of the
informant, as a result of which he died.

Learned counsel for the petitioner submits that he is
innocent has been falsely implicated in this case due to land



dispute. He submits that there is no dying declaration of the deceased. In the F.I.R. it has been stated that all the accused persons assaulted the deceased. He further submits that petitioner has no criminal antecedent and he is languishing in custody since 03.09.2019.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on bail, therefore, the bail application of the petitioner is rejected in connection with Tedhagachh Police Station Case No. 128 of 2019 giving rise to Sessions Trial No. 01 of 2020 pending before the court of the learned Additional District and Sessions Judge-III, Kishanganj.

Accordingly, this application is dismissed. However, petitioner is at liberty to renew his prayer for bail after completion of one year in custody.

(Anjani Kumar Sharan, J)

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