

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14494 of 2020

Arising Out of PS. Case No.-37 Year-2019 Thana- KASMA District- Aurangabad

MD. ZAHID S/O Md. Salim R/o- Village - Pokhaha, P.S.- Kashma, Dist.-
Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Kumari

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-09-2020 Heard the learned counsel for the petitioner
and Sri Brajendra Nath Pandey, the learned APP for
the State.

This is an application for grant of anticipatory
bail in connection with Kashma P.S. Case No. 37 of
2019 registered for the offence punishable under
Sections 341, 323, 147, 148, 149, 307 and 302 of
the Indian Penal Code.

The allegation is regarding the accused
persons including the petitioner herein having
assaulted the husband of the informant when he
was returning from his field and had reached near
his house resulting in the death of the husband
while he was being taken to the hospital.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that the petitioner was not present at the place of occurrence on the alleged date and time of occurrence and moreover, in the FIR, no specific allegation of assault has been made against any of the accused persons including the petitioner herein. It is further submitted that similarly situated co-accused persons have already been granted regular bail.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, it is apparent that one of the witnesses, during the course of investigation by the police, has disclosed that the petitioner had assaulted the deceased with gadasa on his head causing the fatal injury



and the same also stands corroborated by the postmortem report, hence, this Court does not find any merit in the present case, as far as grant of anticipatory bail is concerned, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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