

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 22240 of 2020

Mainuddin Alam @ Jokhan son of Late Dil Mohamad, R/o Village-Nawada
 Parsauni, P.S.-Uchkagaon, District-Gopalganj.

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate

Mr. Dharamveer, Advocate

For the Respondent State: Mr. Tarkeshwar Nath Thakur, APP

For the Informant : Mr. Javed Aslam, Advocate

Mrs. Devika Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4. 10-09-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Uchkagaon P.S. Case No. 21 of 2020, registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

From the F.I.R., it is evident that there was some dispute over construction of road/passage between the parties. The informant is the married daughter of the victim. She has alleged that one day prior to the date of occurrence, she had come to her mother's place. Allegedly, at 5 PM, on the date of occurrence, i.e., 23.01.2020, the accused persons, who come from the same family, came armed variously and they started assaulting the informant's mother. There is specific allegation



against the petitioner of having given blow with iron rod in the head of the informant's mother, whereafter, others started assaulting her indiscriminately. She was brought to Sadar Hospital, Gopalganj, for treatment, where she died in the next morning.

Mr. Ranjan Kumar Jha, learned counsel appearing on behalf of the petitioner, has argued, referring to the postmortem report, that though there is specific allegation against the petitioner of having assaulted the victim in her head, no head injury has been found. He has further submitted that the injuries have been found in the leg of the victim. He has referred to an order passed on 02.09.2020 in Cr. Misc. No. 22663 of 2020, whereby other two accused persons have been allowed regular bail. He contends that two other cases, in which the petitioner has been made accused, were lodged by the informant's mother, in which he is on bail.

Considering the aforesaid submission, particularly the fact that no head injury has been found in the medical examination, as mentioned in the postmortem report, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned A.C.J.M.-IX, Gopalganj, in Uchkagaon P.S. Case No. 21 of 2020.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social



distancing.

(Chakradhari Sharan Singh, J)

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