

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33633 of 2020

Arising Out of PS. Case No.-55 Year-2019 Thana- PAUTHU District- Aurangabad

Md. Israr @ Istar Khan @ Israr Khan Son of Hasnat Khan @ Alam @ Md. Hasnat Alam Resident of Village-Fesara, Police Station-Pauthu, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlendra Pd. Singh
For the Opposite Party/s : Mr. Md. Arif

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 302, 120(B), 504, 506/34 of the Indian Penal Code.



Prosecution case, in short, is that the accused persons including the petitioner assaulted the husband of the informant with fists and slaps and climbed upon the chest of her husband and assaulted till his death.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.01.2020 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. General and omnibus allegation has been made. No specific overt act is alleged against the petitioner. As per the allegation, the deceased was assaulted by means of fists and slaps. No deadly weapon is said to have been used in course of occurrence. Hence the accused persons had no intention to commit the murder of the deceased. At best, it is a case for an offence under Section 304 Part II of I.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief



Judicial Magistrate III, Aurangabad in connection with Pauthu
P.S. case No.55 of 2019.

(Sudhir Singh, J)

Narendra/-

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