

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72365 of 2019

Arising Out of PS. Case No.-233 Year-2018 Thana- BHAWANIPUR District- Purnia

Sazid Khan @ Md. Sazid S/o Mohiuddin @ Mohiuddin Khan Resident of
Chhoti Bhandsar, P.S.- Bhawanipur, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
		Mr. Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s :		Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 05-03-2020 Heard Mr. N.K. Agarwal, learned senior

advocate for the petitioner and Mr. Binod Kumar for the

State.

The petitioner seeks bail in connection with

Bhawanipur P.S. Case No. 233 of 2018 dated

25.12.2018 instituted for the offences under Sections

302 and 34 of the Indian Penal Code.

The petitioner and one another are said to have

assaulted the deceased to death. The post-mortem

report discloses that the death was because of one sharp

cut injury in the abdomen of the deceased. The FIR



refers to the fact that the deceased was killed by the petitioners and taking the advantage of the darkness, the miscreants escaped.

However, in paragraphs 10 and 11 of the case diary, eye witnesses have given an account that a dispute arose between the deceased and the petitioner and one Rashid Khan and before the dispute could be settled by the intervention of villagers, Rashid Khan thrust his knife in the abdomen of the deceased killing.

Learned senior counsel for the petitioner submits that in view of the specific eye witness account of Rashid Khan being the assailant of the deceased, the petitioner deserves to be enlarged on bail.

As opposed to the aforesaid contentions, Mr. Binod Kumar, learned advocate for the State has submitted that the occurrence would not have taken place, had the petitioner not participated along with aforesaid Rashid Khan. Both the accused persons should be held responsible for the death of the deceased.



Regard being had to the fact that there is specific accusation in the investigation papers of killing the deceased on co-accused Rashid Khan and taking into account that the petitioner is in custody since 19.08.2019 and his clean antecedents, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Bhawanipur P.S. Case No. 233 of 2018.

(Ashutosh Kumar, J)

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