

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22595 of 2021

Arising Out of PS. Case No.-174 Year-2020 Thana- HARLAKHI District- Madhubani

MD.KASIM RAIN, SON OF LATE MD.HAKIM RAIN, RESIDENT OF
VILLAGE- SOTHGAON, P.S. HARLAKHI, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
		Mr. Ritwik Thakur
		Ms. Vaishnavi Singh
For the Opposite Party/s :		Ms. Pushpa Sinha-l

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 29-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of Harlakhi
P.S. Case No. 174 of 2020, disclosing offences punishable under
Section 302 and other allied Sections of the Indian Penal Code.

The petitioner is in custody since 04.10.2020. The
date of occurrence has been described in the FIR as 30.09.2020.
The FIR was registered on 03.10.2020 with allegation that the
victim, 13 years of age, was brutally assaulted by the persons
named in the FIR including this petitioner to death as according
to them he had committed theft. The informant is the father of
the deceased. Explaining delay, he has asserted in the FIR that
the accused persons had approached him after committing the
offence and while accepting their guilt they had pestered him



not to lodge any criminal case. According to the case of the prosecution, the dead body was buried by the accused persons themselves.

Learned counsel appearing on behalf of the petitioner has submitted that the postmortem report does not suggest any external injury on the body of the deceased. He has further submitted that apparently the informant is not an eye-witness to the occurrence and for reason unknown, the petitioner has been implicated.

Considering the facts and circumstances, particularly, the delay in lodging of the FIR and the submission that no external injury was found on the body of the deceased, this application is allowed.

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 learned Additional Chief Judicial Magistrate-II, Benipatti, Madhubani, in Harlakhi P.S. Case No. 174 of 2020.

(Chakradhari Sharan Singh, J)

Rajesh/-

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