

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1876 of 2020

Arising Out of PS. Case No.-93 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

1. MD. PUTUSH @ MD. MOJAMIL S/O Md. Noor Resident of Village - Badey Daharpur, P.S. - Goradih, District - Bhagalpur, State - Bihar.
2. Md. Jhakash S/O Md. Kamal @ Md. Kamaluddin Resident of Village - Badey Daharpur, P.S. - Goradih, District - Bhagalpur, State - Bihar.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Deepak Kumar Sinha, Advocate
For the Respondent/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 05-01-2021 Heard learned counsel for the parties.

The appellants are in custody since 13.03.2020 in connection with Jagadishpur P.S. Case No. 93 of 2020, G.R. No. 41 of 2020 registered for the offences under Sections 302/34 IPC, 27 of the Arms Act and 3(2-v) of SC/ST Act.

Case diary was called for in this case which has been received. From the materials available on the record, it appears that during Holi festival scuffle took place in which it is alleged that appellant No. 1 Md. Putush @ Md. Mojamil fired which cause injury leading to death of the deceased Vishnudeo.

Considering the totality of the fact situation, the Court is not inclined to grant bail to the appellant No. 1. The prayer for



bail of appellant No. 1, Md. Putush @ Md. Mojamil, is, accordingly, rejected.

So far as the appellant No. 2, Md. Jhakash is concerned, allegation against him is that he used to quarrel on one pretext or the other and intimidate the informant to face consequences.

Considering the aforesaid, the Court is inclined to grant bail to appellant No.2, Md. Jhakash. Let the appellant No. 2 be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the Additional District and Sessions Judge-III-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Jagadishpur P.S. Case No. 93 of 2020, GR No. 41 of 2020.

The order dated 17.06.2020 is set aside to the extent as indicated above and the appeal is partly allowed.

(Anil Kumar Upadhyay, J)

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