

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36612 of 2020

Arising Out of PS. Case No.-67 Year-2018 Thana- BHAPTIAHI District- Supaul

MD. ISTAQBAL Son of Md. Jubar Resident of Village- Jhila Dumri, P.S.-
Bhaptiyahi, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Najmul Hodda, Adv.
For the Opposite Party/s	:	Mr. Ashok Kumar, APP
For the Informant	:	Md. Mazhar Alam, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 30-01-2021 Heard the learned counsel for the petitioner,
the learned counsel for the informant, Md. Mazhar
Alam and the learned APP for the State, Sri Ashok
Kumar.

The petitioner seeks regular bail in connection with Bhaptiyahi P.S. Case No. 67 of 2018, registered for the offence punishable under Sections 120(B) and 302/34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having assembled near the house of the informant, whereafter, the co-accused persons, namely, Md. Farooque, Md. Juber, Md. Muslim and Md. Mahboob, are alleged to have assaulted the



brother of the informant by means of various types of weapons and had also fired gunshots upon him.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 17.04.2020. The learned counsel for the petitioner has further submitted that as far as the petitioner is concerned, he has not been alleged to have engaged in any sort of overt act, hence, his case is similar to those co-accused persons, who have already been granted bail by coordinate Benches of this Court vide orders dated 20.12.2019 and 21.11.2019, passed in Criminal Miscellaneous No. 84710 of 2019 and Criminal Miscellaneous No. 73128 of 2019 respectively.

Per contra, the learned counsel for the informant, Md. Mazhar Alam and the learned APP for the State have vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by coordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Supaul in connection with Bhapatiyahi P.S.Case No. 67 of 2019.

(Mohit Kumar Shah, J)

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