

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9372 of 2021

Arising Out of PS. Case No.-128 Year-2019 Thana- KHANPURA District- Samastipur

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MOKHATAR @ MD. MOKHATAR @ MD. MUKTAR SON OF LATE
SULEMAN R/O VILLAGE- PURUSHOTTAMPUR, ANNU, P.S.-
KHANPUR, DISTRICT- SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Khanpur P.S.
Case No.128 of 2019 registered for the offence punishable
under Sections 147, 148, 149, 307, 323, 324, 341 of the Indian
Penal Code and section 302 IPC was added on 19.09.2019.

The prosecution case in short is that petitioner along with
other accused persons, variously armed arrived at the house of
informant and attacked the informant and his family members,
resulting in death of the father-in-law of the informant namely
Rajak Mian. It is alleged that petitioner and one Ladla has
assaulted Rajak Mian by means of lathi and farsa, causing



grievous injuries.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence in the manner as alleged, has ever taken place. He has been falsely implicated in this case due to Moharram dispute and village politics. There is no specific allegation against the petitioner in the F.I.R. or in evidence collected during investigation that he assaulted Md. Rajak on which part. There is land dispute between the parties. The petitioner has no criminal antecedent and has been languishing in custody since 21.10.2020.

Learned APP for the State opposed the prayer for bail by submitting that petitioner and two accused persons are the main assailants. Md. Rajak died during treatment on 14.09.2019 and the post mortem report support this fact that Md. Rajak died due to cerebral damage consequent upon head injuries caused by hard and blunt object.

Considering the submissions of the parties and on perusal of the case diary, it is apparent that there is ample evidence in the case diary that the petitioner and other two accused persons assaulted the deceased, who died during treatment, as such, I am not inclined to grant bail to the petitioner.



The bail application of the petitioner is hereby dismissed.

However, learned trial court is directed to expedite the trial of the petitioner as expeditiously as possible.

(Anjani Kumar Sharan, J)

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