

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21466 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- PUPRI District- Sitamarhi

MD. MANIR ALAM @ MANIR ALAM Son of Late Najmul Hoda
RESIDENT OF VILLAGE - AWAPUR, P.S.- PUPRI, DISTRICT -
SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa,
Mr. Abu Nasar, Advocates.
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-05-2022 Heard Mr. Ashhar Mustafa, learned counsel for the

petitioner and Mr. Nand Kishore Prasad, learned Additional

Public Prosecutor for the State.

Petitioner seeks regular bail in connection with Pupri
PS Case No. 16/2022 registered for the offence punishable
under Sections 147, 148, 149, 341, 323, 307, 302, 34, 324 of the
IPC and 27 of the Arms Act.

As per First Information Report, petitioner along with
a large number of accused persons holding *Lathi* and other
weapons in their hands assaulted the informant, his son and
brother due to which the brother of the informant sustained
injury and died.

Learned counsel for the petitioner submits that the



petitioner is 71 years old and has falsely been implicated in this case with premeditated mind inasmuch as there is an unexplained delay in lodging of the FIR. The date and time of occurrence is 22.01.2022 at 12:30 while the FIR has been lodged by the informant with premeditated mind after a delay of more than 24 hours on 23.01.2022 at 9:30 PM. He further submits that there is direct allegation of assault against 6-7 named accused persons and no overt-act has been attributed to the petitioner. He next submits that in fact there was dispute between the informant's family and four other persons on some issues of molestation for which an FIR was registered a week's ago from the date of occurrence (Annexure-2). However, the informant has made allegation against all those persons with whom there was an altercation sometime prior to the occurrence but due to political rivalry, the petitioner and his entire family members about eight in numbers have also been made accused inasmuch as the deceased is brother of the sitting Mukhiya who had defeated own nephew of the petitioner. Next submission is that the petitioner being 71 years old is in custody since 25.01.2022 having no criminal antecedent and the charge-sheet has been submitted.

Having regards to the submissions made by the parties



and taking into consideration the material on record and the fact that the petitioner has got no criminal antecedent, he is aged about 71 years, no overt-act has been attributed to the petitioner, he is in custody since 25.01.2022 and the charge-sheet has been submitted in the matter, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, MD. MANIR ALAM @ MANIR ALAM be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi in connection with Pupri PS Case No. 16/2022.

(Anil Kumar Sinha, J)

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