

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37364 of 2022

Arising Out of PS. Case No.-180 Year-2021 Thana- PALANWA District- East Champaran

Alimul Hasan Son Of Late Sheikh Md. Hasan Resident of village- Gad
Bahuwari, P.s.- Palanwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Palanwa P.S. Case No. 180 of 2021 lodged under Sections 147,
148, 149, 341, 323, 324, 307, 302 and 504 of the I.P.C.

As per the prosecution case, the brother of the
informant was sitting at his door then 13 named accused persons
have surrounded them keeping arms in their hand. The
allegation is against the present petitioner to order for killing of
the informant's brother. The specific allegation is upon him to
attack on the head by *farsa* in result the brother of the informant
fell down. The allegation upon Munna @ Fasil is to attack by

iron rod on the head of the deceased. It has been alleged in the F.I.R. that due to conspiracy in election, his brother was killed.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that his name has been figured in this case due to election rivalry. He further submits that other co-accused persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 23.08.2022 passed in Cr. Misc. No. 26526 of 2022. He further submits that petitioner is in custody since 16.12.2021, charge sheet has already been filed in this case and 2 criminal cases are pending against him. Learned counsel further submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the petitioner submits that the injury as alleged in the F.I.R. is not supported by the post-mortem.

Learned counsel for the State opposes the prayer for bail and submits that there is direct allegation upon present petitioner to attack on the deceased by *farsa*. There are in total 3 criminal cases pending against the present petitioner including the present one.

In the present facts and circumstances of this case and

the submissions made above, I am not inclined to grant bail to the present petitioner at present.

But liberty is hereby granted to him to move for bail 2 months after framing of charge. The Trial Court is directed to release the petitioner on bail upon move imposing conditions so that he may not evade his appearance for trial before the Court below.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J)

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