

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44290 of 2022

Arising Out of PS. Case No.-224 Year-2021 Thana- SINGHESHWAR District- Madhepura

Ajay Bhagat @ Noor Mohammad @ Md. Noor Son Of Bhola Bhagat R/O
Village- Gauripur, Ward No.4, P.S.- Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-12-2022 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 through virtual mode.

The petitioner seeks regular bail in connection with
Singheshwar P.S. Case No. 224 of 2021 lodged under Sections
302/34 of the I.P.C.

As per the prosecution case, the informant has
disclosed that quarrel took place between the neighbourers for
throwing garbage on the road. The hot discussion also took
place, thereafter open fight started and allegation against the
petitioner and his brother is that they started pressing the neck
of the informant's father due to which he died.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. Learned counsel submits that from the content of the F.I.R. itself that the petitioner is not a criminal and rather hot discussion took place for the purpose of throwing the garbage in the common lane.

Learned counsel submits that petitioner is in custody since 20.04.2022 and charge-sheet has already been filed in this case. There is one criminal case pending against the petitioner in which he is on bail. He submits that the other co-accused persons who are family members were granted bail by the Co-ordinate Bench of this Court. He also submits that the inquest report as well as Post-mortem report is annexed here in which there is no sign of external injury has been found on the neck of the deceased.

Learned counsel for the State opposes the prayer for bail. Upon specific query whether charge has been framed or not , as per the knowledge of learned counsel, charge has not been framed.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer after framing of charge and the

Trial Court is directed to release him on bail thereafter imposing its condition so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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