

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57120 of 2021

Arising Out of PS. Case No.-88 Year-2019 Thana- HASANGANJ District- Katihar

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ABDUL SAMAD @ ABDUS SAMED SON OF LATE KHARITULLA
RESIDENTS OF VILLAGE- HARKHAPOKHAR, P.S. HASANGANJ,
DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. NK Agrawal, Sr. Advocate and
Mr. Bimal Kumar

For the Opposite Party/s : Mr. Ashok Kumar, Addl Public Prosecutor
Mr. SK Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-03-2022 Heard learned counsel for the petitioner, the State
and the informant.

The petitioner prays for grant of regular bail in a case
registered for the offence punishable under section 302 and
other ancillary sections of the Indian Penal Code.

As per the prosecution case, petitioner assaulted one
Sohrab Ali with sword on his head. Other accused persons also
assaulted the victim and other members of the prosecution
party. Later on the injured died during course of treatment.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. There is case and counter case and present case is counter



blast of Hassanganj Police Station Case No. 44/2019 lodged by the petitioner. Parties are agnate and there was free fight between them. As per the post mortem report, death has not been caused due to head injury. He is in custody since 31.7.2021.

Learned counsel appearing for the State as well as the informant oppose the prayer for bail. They submit that there is direct allegation against the petitioner that he assaulted the victim with sword on his head.

Considering the aforesaid facts and circumstances of the case and the fact that as per the post mortem report, death has not been caused due to head injury, prayer for bail of the petitioner is allowed. Let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Katihar in Hasanganj Police Station Case No. 88 of 2019.

(Prabhat Kumar Singh, J)

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