

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55790 of 2021

Arising Out of PS. Case No.-53 Year-2021 Thana- ABADPUR District- Katihar

1. ISHAAD ALI Son of Asiruddin Resident of - Damdoliya, P.S. - Abadpur, District - Katihar, Bihar
2. Mukhtar Son of Mohiruddin Resident of - Damdoliya, P.S.- Abadpur, District - Katihar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Ms. Preety Kunwar, Advocate
For the Informant	:	Mr. Firoz Ahmad, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-02-2022 Heard learned Senior Counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioners seek regular bail in connection with Abadpur P.S. Case No. 53 of 2021 instituted for the offences under Sections 302/34 of the Indian Penal Code.

Learned Senior Counsel for the petitioners submits that the petitioners are in custody since 20.06.2021, are persons with clean antecedent and charge-sheet has been submitted.

The informant alleges that his father on 16.06.2021 had gone out of the house but did not return, in the morning the



informant was informed that his father's dead body was lying in a ditch with mark of violence, thus the informant alleges that the petitioners on account of previous dispute killed his father.

Learned Senior Counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges based on suspicion that the petitioners might have killed his father on account of previous enmity, but the nature of enmity is not disclosed in the FIR. Learned Senior Counsel thus submits that the entire allegation is based on suspicion and there is no eyewitness to the occurrence.

Learned A.P.P. and learned counsel for the informant vehemently opposes the bail application.

Learned Senior Counsel for the petitioners submits that earlier also the petitioners had tried to kill the deceased, but were unsuccessful, but in support of such submission the learned counsel for the informant fairly submits that no FIR was instituted and the submission has been made based on instruction.

Learned A.P.P. and learned counsel for the informant are not able to meet the submission of the learned Senior



Counsel for the petitioners that the entire allegation is based on suspicion and there is no eyewitness to the occurrence.

Considering the fact that the petitioners are in custody, are persons with clean antecedent, charge-sheet has been submitted and the allegation is based on suspicion and there is no eyewitness to the occurrence, let the petitioners above named be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Aurangabad in connection with Abadpur P.S. Case No. 53 of 2021.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

