

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46159 of 2022

Arising Out of PS. Case No.-128 Year-2019 Thana- KHANPURA District- Samastipur

PHOOL HASAN @ PHUL MD. MIYAN S/o Late Suleman R/V-
Purushottampur Annu, P.S.- Khanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

This is the second attempt of the petitioner to approach before this Court for bail. Earlier, vide detailed order dated 09.09.2021 passed in Cr. Misc. No. 15174 of 2021, the prayer for bail of the petitioner was rejected.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 307, 323, 324, 341 and 302 of the Indian Penal Code.

The petitioner in association of other co-accused is said to have variously armed arrived at the house of the informant and attacked the informant and her family members,



resulting in death of the father-in-law of the informant.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case due to dirty village politics. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Co-accused, namely, Md. Mumtaj @ Md. Mumtaj Ali has been enlarged on bail by a co-ordinate bench of this court vide order dated 14.12.2021 passed in Cr. Misc. No. 39924 of 2021. The petitioner has no criminal antecedent and has been languishing in custody since 21.10.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Khanpur P.S. Case No.128 of 2019.

(Anjani Kumar Sharan, J)

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