

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69723 of 2021

Arising Out of PS. Case No.-223 Year-2020 Thana- BAHADURGANJ District- Kishanganj

Gani @ Abdul Gani, S/o Emam Vakas @ Imam Buse Resident of Village -
Bangama Bagicha Ward No. 15, P.S. - Bahadur Ganj, Kishanganj- 855101.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Noushad Khan, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bahadurganj P.S. Case No. 223 of 2020 registered for the alleged offences under Sections 341, 323, 325, 307, 504, 379/34 of the Indian Penal Code and later on Section 302 IPC had been added.

The prosecution case is that the informant was assaulted by the petitioner and other co-accused persons on account of some minor altercation. Later on, the informant died during course of his treatment.



The learned counsel for the petitioner submits that the petitioner is 76 years old and the allegations are not believable. Moreover, there is no specific allegation against this petitioner for any overt act as it has nowhere been mentioned that what was the role of this petitioner in the alleged occurrence. Other co-accused persons have been granted bail by the learned court below itself. The petitioner is in custody since 25.09.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner and the other co-accused persons assaulted the informant causing his death.

Having regard to the submissions made hereinabove and considering the fact that there is no specific allegation against this petitioner for causing such injury which might have resulted the death of the informant and further considering his period of the custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Special Judge (Excise), Kishanganj in connection with Bahadurganj P.S. Case No. 223 of 2020, subject to the following conditions :



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Rajnish/-

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