

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1323 of 2022

Arising Out of PS. Case No.-41 Year-2014 Thana- MIRGANJ District- Purnia

MD SHAFIQUE S/o- Late Md. Masruddin Resident of Village- Bari Baigna
Otna, P.S.- Mirganj, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Preety Kunwar, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 12-01-2022 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in a case
registered for the offences punishable under Sections 341, 323,
324, 302, 504/34 of the Indian Penal Code.

Earlier prayer for bail of the petitioner has been
rejected by this Court vide Cr. Misc. No. 40392 of 2018 dated
21.08.2018.

Informant has alleged in her written complaint that
on 28.03.2014 at about 10:00 P.M., in the night, on account of
some dispute arising out of passage, FIR named accused
including petitioner started abusing her husband and when
objected, all of them started assaulting her husband by lathi and
co-villagers who came for their rescue were also assaulted,

meanwhile it is alleged that Md. Safique (petitioner) inflicted knife blow in the stomach of husband of informant and thereafter he was taken to private hospital for treatment and subsequently after three days he died.

It is submitted on behalf of petitioner that he has no criminal antecedent and everything happened in spur of a moment and fit of anger on account of land dispute between the parties. The incident was not premeditated and there was no repetition of blow. Petitioner is in custody since 31.10.2017. Charges has already been framed.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge, III, Purnea, in connection with Mirganj P.S. Case No. 41 of 2014, subject to conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-

operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/veena-

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