

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7429 of 2023

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

MD. TAIYEB Son of Phool Hasan R/v- Purusottampur Anu, P.S.- Khanpur,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate.

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-05-2023 Heard Mr. Krishna Chandra, learned counsel for the

petitioner and Mr. Nand Kishore Prasad, learned Additional

Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Khanpur P.S. Case No. 128 of 2019 dated 11.9.2019 registered
for the offence punishable under Sections 147, 148,149, 307,
323, 324 and 341 of the Indian Penal Code 1860. Subsequently,
Section 302 of the Indian Penal Code was added.

As per the First Information Report lodged by the
informant that on 10.9.2019 at about 4:00 PM in the afternoon
while the informant was at her home along with her other family
members, her neighbour Md. Akhtar along with other accused
persons entered into the informant's house and the co-accused
Mokhtar, Qaiyum and Ladley assaulted the father-in-law of the



informant namely, Rajak Miyan, due to which, he died. The allegation against the petitioner is that he assaulted one Shajahan Khatoon with electric wire, on account of which, blood started oozing out from her left ear.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to dispute between the two neighbours. He further submits that the allegation of assault upon the deceased is against three other named accused persons namely, Md. Mokhtar, Qaiyum and Ladley and only allegation against the petitioner is that he assaulted one Shahjahan Khatoon due to which injury was caused in her left ear. The petitioner has got no criminal antecedent, he is in custody since 4.8.2022 and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that there is no allegation against the petitioner in the First Information Report that he assaulted the deceased, the petitioner is in custody since 4.8.2022 and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on regular bail on furnishing bail bonds of Rs.10,000/-
(Ten thousand) with two sureties of the like amount each to the
satisfaction of learned Chief Judicial Magistrate, Samastipur, in
connection with Khanpur P.S. Case No. 128 of 2019.

(Anil Kumar Sinha, J)

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