

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6725 of 2022

Arising Out of PS. Case No.-452 Year-2020 Thana- NAUTAN District- West Champaran

SK. JALAUDDIN @ MD. JALAUDDIN ALAM S/o SK. Jakir Resident of
Village- Khadda Kunjalahi, Post Station- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s	:	Ms. Sharda Kumari, APP
For the informant	:	Mr. Ranjay Kumar, Advocate
	:	Md. Mahtab Alam, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Nautan PS case no. 452 of 2020 instituted for the offences punishable under Sections 307, 302 and other allied sections of the Indian Penal Code.

The case of the prosecution is that on 01.11.2022 while the informant was sitting at his door, his neighbour namely Shekh Allauddin came there and started abusing the informant on account of some dispute having arisen pertaining to financial matter and when the informant had objected to the same, other accused persons also came there, armed with lathi and danda (stick), whereupon the accused person namely Sheikh



Allauddin and one other co-accused person namely Sheikh Afzal had caught hold of the informant, whereupon the petitioner had assaulted on the left hand of the informant causing fracture injury. It is also alleged that other co-accused persons had then assaulted the informant with fists and slaps as also by sticks.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 07.08.2021. The learned counsel for the petitioner has submitted that the petitioner is an accused in two other cases. It is further submitted that as far as the petitioner is concerned, he has been alleged to have hit on the left hand of the informant by stick, resulting in the informant sustaining fracture injury, however, he has not been alleged to have assaulted on the head of the informant, hence the death of the informant is not attributable to the petitioner herein, inasmuch as the post mortem report of the deceased shows that the death has taken place on account of head injury. It is also submitted that the incident had taken place on 01.11.2020, however the F.I.R. has been lodged belatedly only on 14.11.2020, which also depicts that the petitioner has been falsely framed in the alleged incident. Lastly, it is



submitted that the post mortem report would show that there is no connection in between the injury attributable to the petitioner and the cause of death of the informant.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that as far as the petitioner is concerned, he has been alleged to have hit by stick on the left hand of the informant, causing fracture injury, however, there is no possibility of having assaulted the informant on the head and the cause of death of the deceased has been mentioned in the post mortem report to be on account of head injury, which is not attributable to the petitioner, hence considering the materials available in the case diary, as aforesaid, as also taking into account the fact that the petitioner is languishing in custody since 07.08.2021, I deem it fit and appropriate to enlarge the petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial
Magistrate, Bettiah, West Champaran in connection with Nautan
PS case no. 452 of 2020.

(Mohit Kumar Shah, J)

rinkee/-

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

