

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6985 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

Md. Guddu S/O Late Sonarjee @ Late Sonardi, Resident Of Village-
Dhusmar, Chikanighat Khaira, P.S.- Muffasil, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate

For the Opposite Party : Mr. Md. Aslam Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Muffasil P.S. Case No. 153 of 2022 dated 31.08.2022, instituted for the offence punishable under Sections 302, 120(B) and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant alleges that about 20 days back from the date of occurrence, Md. Sarfaraj and Md. Guddu (petitioner) misbehaved with her daughter due to which, a *panchayati* was held and both were found guilty. Thereafter, Md. Sarfaraj and the petitioner used to threatened her deceased son, namely, Md. Masoom. Further, it is alleged that on 31.08.2022, the two co-villagers, namely, Md. Jamil and Md. Sajjad called her deceased-son from the house



for some urgent work. The informant's son did not return home and during the course of search by her, she found her son was lying dead near Khaira Railway Gumti thereafter, she lodged an F.I.R. against the petitioner and three co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It is further submitted that the informant is not the eye-witness of the alleged occurrence and during the course of investigation, the police has recorded the statement of brother of the deceased and it found that he is also a hear-say witness. Further, it is submitted that the police inspected the place of occurrence but neither the incriminating articles have been recovered nor any blood stain was found. Due to previous enmity, the petitioner was falsely implicated in this case. Lastly, it has been submitted that the petitioner is in custody since 07.09.2022 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of



Rs. 10,000/- (ten thousand) with two sureties of the like amount
each to the satisfaction of the learned Chief Judicial Magistrate,
Katihar in Muffasil P.S. Case No. 153 of 2022.

(Khatim Reza, J)

Gaurav Kumar/-

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