

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12556 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- BARARI District- Katihar

Md. Yasin @ Md. Yasin Akhtar Son Of Md. Manjur Resident Of Village-
Baisakhaghat, P.S.- Barari, District- Katihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

The prosecution case in nutshell is that informant's husband went after getting a call on his mobile by one Niyamat Alam, but did not return. Informant started to search and in the course of searching, she found the dead body of her husband. When she inquired Niyamat Alam, he told that due to



previous enmity, petitioner has killed her husband.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Neither the petitioner was not apprehended on spot nor there is any eye witness of the alleged offence. There is no specific material evidence against the petitioner to show his complicity in the present case. Both parties are relatives. Only on the basis of disclosure of Niyamat Alam, petitioner has been dragged in the present case. It is further submitted that petitioner is suffering from many diseases inside the jail and he is at the verge of death, without proper treatment. Moreover, the petitioner is languishing in judicial custody since 29.01.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties



and taking into consideration the facts and circumstances of the case, period under custody as well as fact that petitioner is suffering from several ailments, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Barari P.S. Case No. 30 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge IV, Katihar.

(Sunil Kumar Panwar, J)

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