

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13724 of 2023

Arising Out of PS. Case No.-137 Year-2022 Thana- MAINATAND District- West Champaran

Shekh Hazrat Ali @ Hazrat Ali @ Shekh Hazrat Sonof Shekh Dafdar R/O
Village- Bastha, P.S.- Mainatand, District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abu Nasar

For the Opposite Party/s : Mrs.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 26-04-2023 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 connection with Mainatand (West Champaran) P.S. Case No. 137 of 2022 registered under sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code. Further Section 302 of the IPC was added.

Allegation against the co-accused persons along with this petitioner is that they assaulted the informant's husband due to which he sustained injuries and later on he died during the course of treatment. It is further alleged that they misbehaved with the informant as well.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that



there is no specific overt act of assaulting against the petitioner rather general and omnibus allegation has been levelled against him. It is also submitted that the specific overt act of assaulting is against co-accused, namely, Nawab Ali who assaulted the informant's husband by means of rod on his head due to which he died during the course of treatment. Nothing cogent material came against the petitioner in this case. Moreover, he is languishing in judicial custody since 17.11.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Mainatand (West Champaran) P.S. Case No. 137 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 Judicial Magistrate First Class, at Bettiah, West Champaran.

(Sunil Kumar Panwar, J)

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