

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13908 of 2023

Arising Out of PS. Case No.-434 Year-2022 Thana- JAMUI District- Jamui

ARBAZ @ ARBAZUDDIN @ MD. ARBAZ @ MD ARBAZUDDIN S/O
Md. Zayauddin @ Md. Zayauddin @ Munnu R/O Mohalla- Azadnagar, P.S-
Jamui, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Ms. Priya Ranjan, Adv
For the Opposite Party/s	:	Mr. Kumar Ranjit Ranjan, APP.
For the Informant/s	:	Mr. Satya Prakash Parasar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 25-04-2023
1. Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.
 2. Heard learned senior counsel for the petitioner, learned APP for the State and learned counsel for the informant.
 3. Petitioner seeks regular bail in connection with Jamui P.S. Case No. 434 of 2022 dated 22.08.2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 302, 504 and 506 of the Indian Penal Code.
 4. The main submissions advanced by petitioner's senior counsel are that as per the FIR, main allegation as to



assaulting the deceased, who happened to be the son of the informant, is against co-accused persons namely Nazis and Md. Danish and the petitioner was alleged to have participated in the alleged occurrence with co-accused persons and as per the allegation, he was equipped with an iron-fighter but against him, there is no specific allegation and the FIR was lodged after delay of six days and as per the post-mortem report of the deceased, the cause of death has been opined due to Asphyxia with antemortem compression of neck (strangulation). Further submissions are that the petitioner has fair and clean antecedent and has been languishing in jail since 10.10.2022.

5. Learned counsel for the informant has vehemently opposed the bail prayer and submitted that the deceased was the only son of the informant and the genesis of the occurrence was misbehaving with girls by the accused persons, which was objected by the deceased and the same resulted in the commission of the alleged occurrence.

6. Learned APP appearing for the State has also opposed the bail prayer.

7. Having considered the above submissions and mainly the facts that in the FIR, there is no specific allegation against the petitioner and he has fair and clean antecedent and



the main allegation is against co-accused persons namely Nazis and Md. Danish, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge**, on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Jamui P.S. Case No. 434 of 2022.

(Shailendra Singh, J)

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