

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15959 of 2023

Arising Out of PS. Case No.-181 Year-2022 Thana- PARIHAR District- Sitamarhi

Md. Ashif Ali Son Of Md. Mustaque R/V- Siswa, P.S- Parihar Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302 and 34 of the Indian Penal Code.

Allegation against the petitioner along with other one co-accused person is that they assaulted the informant's son, namely, Md. Gulrej for the land dispute by means of *lathi* due to which he succumbed to injury.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to land dispute between both the parties. It is further submitted that after postmortem and cremation of the informant's son, the informant lodged this prosecution case. It is also submitted that as per prosecution



version, petitioner along with one other co-accused person has assaulted the deceased by means of *lathi* but as per the postmortem report, doctor opined that there is only one injury found on the body of the deceased, hence the prosecution version does not corroborate with the postmortem report. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 30.09.2022.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Parihar P.S. Case No. 181 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Sitamarhi.

(Sunil Kumar Panwar, J)

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