

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20936 of 2023

Arising Out of PS. Case No.-477 Year-2022 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Md. Kasim @ Lal Babu @ Md. Qosim, Son of Late Md. Hanif, Resident of
Kathalwari Bhandar Chouk, Ward No.- 12, P.S.- L.N.M.U., District -
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das, Advocate

For the State : Mr. Dinesh Singh, APP

For the Informant : Mr. Ashok Kr. Das, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

2. In the present case, the petitioner seeks bail in
connection with L.N.M.U. P.S. Case No. 477 of 2022 registered
for the alleged offences under Section 302/34 of the Indian
Penal Code.

3. As per prosecution case, in the background of theft
of mobile phone of the brother of the informant, the petitioner
and other co-accused persons came to the house of the
informant and started hurling abuses. They were joined by two
other co-accused persons and they caught hold of the brother of
the informant and co-accused Leelu gave a brick blow on the
temple of the brother of the informant who fell unconscious.



When he was taken to the hospital for treatment, the doctor declared him dead.

4. Learned counsel for the petitioner submits that the petitioner is 75 years old man and is innocent and has been falsely implicated in this case. The petitioner and the other co-accused persons are agnates of the informant and the petitioner went to pacify the matter between the informant and the co-accused, he being a senior citizen. It is also apparent from the FIR that petitioner has no role in the murder of the brother of the informant and specific allegation of murder is against Md. Guddu and Leelu. Petitioner is in custody since 24.12.2022 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the prayer for bail. Learned counsel for the informant submits that a number of injuries have been found on the body of the deceased which was caused by hard and blunt object leading to the death of the brother of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no specific allegation of any overt act against



the petitioner and also considering the old age of the petitioner as well as his clean antecedent coupled with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Darbhanga/concerned court in connection with L.N.M.U. P.S. Case No. 477 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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