

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19804 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- PAHARKATTA District- Kishanganj

MD BACHAN Son of Khotu Mohammad @ Mohammad Khotu Resident of
Village-Gannabari, P.S.-Paharkatta, District-Kishanganj

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 147, 148, 149, 341,
323, 302, 307, 379, 354, 504 and 506 of the Indian Penal Code.

As per FIR, petitioner along with other accused
persons are said to have assaulted the husband of the informant
by means of legs and fists. It is further that co-accused Noor
Alam gave iron rod blow on his head repeatedly due to which,
he died.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. There is general and omnibus allegation
against the petitioner rather the specific allegation of assaulting



by means of iron rod to the deceased is against co-accused Noor Alam. There is no specific overt act of against the petitioner. He further submitted that the others co-accused have already by granted bail by a Co-ordinate Bench vide order dated 23.02.2023 passed in Cr. Misc. No. 62002 of 2022. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 18.10.2022.

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief judicial Magistrate, Kishanganj in connection with Paharkatta P.S. Case No. 37 of 2022.

(Sunil Kumar Panwar, J)

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