

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23899 of 2023

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

Md. Anzar, Gender-Male, Aged about-65 years, Son of Late Hasim, R/o
Village- Siswa, P.S.- Parihar, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Santosh Kumar, Advocate
For the Informant	:	Mr. Dwij Raj, Advocate
For the Opposite Party	:	Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Parihar P.S. Case No. 181 of 2022 dated 16.07.2022, instituted for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, it is alleged that on account of land dispute, the petitioner including other co-accused persons on 15.07.2022, inflicted assault to both the sons of the informant by means of *lathi*, *danda* due to which, one of the sons of the informant, namely, Md. Gulrej died during the course of treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case due to land dispute. It is further submitted that specific



accusation of assault is against co-accused Md. Asif Ali and Nasir Ali and so far the petitioner is concerned, allegation of inflicting assault against him is general and omnibus. It is further submitted that another co-accuse, namely, Nasara Khatoon, Gajla Khatoon and Mustari Khatoon have already been granted bail by a Co-ordinate Bench of this Court *vide Order dated 10.04.2023 passed in Criminal Miscellaneous No. 1884 of 2023*. Lastly, it has been submitted that the petitioner is in custody since 02.01.2023 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sitamarhi in Parihar P.S. Case No. 181 of 2022.

(Khatim Reza, J)

Gaurav Kumar/-

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