

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26075 of 2023

Arising Out of PS. Case No.-468 Year-2022 Thana- BARAULI District- Gopalganj

Husne Alam, S/o Mukhtar Alam, Resident of Village- Madhurapur, P.S.-
Barauli (Madhopur O.P.), District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Senior Advocate Mr. Nafisuzzoha, Advocate
For the State	:	Mr. Anil Kumar Singh No. 1, APP
For the Informant	:	Mr. Lokesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-08-2023 Heard learned senior counsel for the petitioner,

learned Additional Public Prosecutor for the State and learned

counsel for the informant.

2. The accused/petitioner seeks bail in connection
with Barauli (Madhopur O.P.) P.S. Case No.468 of 2022
registered for the offences punishable under Sections 147, 148,
149, 323, 307, 324, 325, 326, 302, 447, 504 and 506 read with
34 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is
in custody since 20.12.2022.

4. Allegation against the petitioner is to commit
murder of husband of the informant along with other named co-
accused persons by means of using *farsa* and sword, where
occurrence arises out of previous enmities.



5. It is submitted by Mr. Ramakant Sharma, learned senior counsel while arguing on behalf of the petitioner that allegation as to cause fatal assault is not appearing specific against this petitioner, as even narration of the FIR is suggesting that deceased was also assaulted on his head by co-accused Jaffar Ali @ Pappu. It is further submitted that the postmortem report, which specifying nature of injury is also not supporting the allegation for the reason that the injuries, which were noticed upon deceased appears lacerated and same could not be caused by using a sharp-edged cut weapon as alleged through present FIR, by taking all probabilities, where cause of death shown as hemorrhage and shock out of impact caused by hard and blunt substance. While concluding argument, it is submitted that the petitioner found involved in one more criminal case, where he is on bail as same was instituted by same informant and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mr. Lokesh Kumar Singh, learned counsel appearing on behalf of the informant submitted that the allegation to cause head injury is specific against this petitioner but, he fairly conceded that same is also



available against co-accused Jaffar Ali @ Pappu.

7. In view of above-mentioned facts and circumstances and by taking note of fact as allegation to cause head injury is not appears specific against this petitioner, where nature of injuries also not appears in corroboration with nature of weapon as alleged to cause said injury as per narration of FIR, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.12.2022, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Gopalganj in connection with Barauli (Madhopur O.P.) P.S. Case No.468 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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