

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28636 of 2022

Arising Out of PS. Case No.-423 Year-2020 Thana- GHORASAHAN District- East
Champaran

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SAGEER MOHAMMAD Son of Mohammad Hussain @ Md. Hussain Rai
Resident of Village - Rajwara, P.s.- Ghora Sahan, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.Iii, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 18-01-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offences punishable under Section 302 of the Indian
Penal Code.

Learned counsel for the petitioner submits that
petitioner is in custody since 18.10.2020 and is a person
with clean antecedent and the informant alleges that her
husband (deceased) verbally abused her and ran towards her
with a knife when her brother-in-law (petitioner) snatched a
knife from the deceased's hand and attacked him causing
injury on left side of his chest on account of which he died.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that petitioner and the deceased are own brother and the deceased was a person with anger, it is further submitted that since the deceased ran towards his wife with knife in his hand, the petitioner being brother realized that it may be a possibility that his brother may kill his sister-in-law and as such tried to snatch the knife from the hand of the deceased and while snatching inadvertently the deceased got stabbed. The learned counsel for the petitioner submits that petitioner had absolutely no *mens rea* for committing the occurrence, it was just that in the spur of the moment while trying to save his sister-in-law, while snatching the knife it inadvertently struck the deceased causing his death the next day.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the submission made by the learned counsel for the petitioner, the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



to the satisfaction of the learned trial court where the case is
pending/successor court in connection with Ghorasahan P.S.
Case No. 423 of 2020.

(Satyavrat Verma, J)

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