

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31581 of 2023

Arising Out of PS. Case No.-369 Year-2021 Thana- FALKA District- Katihar

Md. Kitabul @ Md. Ketabul @ Kitabul Sah Son of Md. Kalo Sah R/O-
Salehpur Maheshpur, P.S.- Falka, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Ms.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Falka
P.S. Case No. 369 of 2021 registered for the offence under
Sections 341, 323, 307, 435, 504, 506/34 of the Indian Penal
Code later on Section 302 of the Indian Penal Code is added.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.11.2022.

The allegation against this petitioner is to commit
murder of mother-in-law of informant along with other co-
accused persons due to previous enmities arises out of family
disputes and differences.



Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated with present case and from the narration of F.I.R. itself, it appears that informant is not the eye witness of the occurrence. It is submitted that from the narration of F.I.R., it is clear that informant/injured, namely, Md. Ishteyak Shah became unable to see anything as assault was caused on his eye by petitioner and as such, it is apparent from his subsequent narration that petitioner assaulted his mother-in-law and others is appearing non-convincing on its face. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, and by taking note of the narration of F.I.R., it appears that the version of informant, being an eye witness, is appearing doubtful as he received injury on his eye by petitioner coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 21.11.2022, accordingly the petitioner, above named, is directed to be released on bail in



connection with Falka P.S. Case No. 369 of 2021 on furnishing
bail bond of Rs.10,000/- (Rupees Ten Thousand) with two
sureties of the like amount each to the satisfaction of learned
Additional Chief Judicial Magistrate, 3rd, Katihar/concerned
Court, subject to the conditions as mentioned under Section
437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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