

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33931 of 2023

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

NOOR ALAM Son of Latiful Rahman Resident of village - Gannabari, P.S. -
Paharkatta, Distt. - Kishanganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. 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.

3. The allegation against the petitioner along with
others is of assaulting the husband of the informant, due to
which he succumbed to injury. It is further alleged that accused
persons outrage the modesty to informant and looted cash of Rs.
40,000/- and other articles.

4. 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 admitted land dispute between
the parties. There is general and omnibus allegation against the
petitioner and no specific overt act of assaulting against the



petitioner. He further submitted that the second wife of the deceased subsequently stated that all accused persons assaulted the deceased but not specifically taken the name of the petitioner. There is no intention to kill and from the perusal of the Postmortem report, it appears that only one head injury was sustained to the deceased. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 28.10.2022.

5. The application for bail is opposed by learned APP for the State and submitted that there is specific overt act against the petitioner.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, 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 Court below in connection with Paharkatta P.S. Case No. 37 of 2022.

(Sunil Kumar Panwar, J)

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