

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31999 of 2023

Arising Out of PS. Case No.-287 Year-2022 Thana- DALSINGHSARAI District- Samastipur

MD. ANIS @ MD. ANISH Son of Md. Yusuf Resident of village - Kharaj
Hakimabad, ward no. 3 old, Police Station - Muffasil, Distt. - Samastipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 342, 306, 504, 120B of the Indian Penal Code.

As per prosecution case, the informant alleged that this petitioner along with other co-accused persons assaulted his brother thereafter, the informant's brother reached police station to lodge a complaint but the matter has not been resolved and he was taken to police protection. At the same night, informant's brother committed suicide. It is further alleged that the incident of assaulting by the accused persons, abated the informant's brother to commit suicide.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. The victim committed suicide in the premises of police station, in which there was no role of the petitioner and others, in fact, the victim's death was a police custodial death. It is also submitted that the victim committed suicide in the night of 28/29.7.2022 but the inquest report was prepared on 29.7.2022 at 9:55 A.M. From perusal of persecution, it appears that no specific overt-act is attributed against this petitioner rather general and omnibus allegations are leveled against him. Moreover, similarly situated co-accused namely, Md. Shahab has already been granted bail by a co-ordinate Bench of this Court vide order dated 21.3.2023 passed in Cr. Misc. No.69698 of 2022 in support of this Annexure-3 has been annexed with this petition. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody for more than eight months.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be



released on bail in connection with Dalsingsarai P.S. Case No. 287 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist, Dalsingsarai, Dist-Samstipur.

(Sunil Kumar Panwar, J)

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