

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33436 of 2023

Arising Out of PS. Case No.-107 Year-2020 Thana- THAWE District- Gopalganj

Yusuf Ali Son Of Alisher Ali @ Shekh Alisher @ Alishar Resident Of
Village- Baghan Saida, P.S.- Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devashish Giri, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-06-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Thawe P.S. Case no. 107 of 2020, registered under section 307 and other sections of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

3. The earlier application for bail of the petitioner was rejected vide order dated 9.1.2023 (Annexure-1) passed in Cr. Misc. no.21434 of 2022.

4. As per the prosecution case, it is stated by the informant that on the accused persons including the petitioner herein being asked by the informant not to consume smack and liquor behind his house, the accused persons variously armed



assaulted the informant and the members of his family. The petitioner is said to have assaulted the father of the informant with a *lathi* on his head as a result of which he subsequently died.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and he is in custody since 8.2.2022. There is no reasonable explanation for the delay in lodging of the F.I.R. The death of the deceased took place more than two days after the alleged occurrence. Charge has been framed and the trial has been commenced in the learned trial Court. The petitioner undertakes to cooperate in the trial.

6. Heard learned A.P.P for the State and learned counsel for the informant.

7. Learned counsel for the informant submits that there is direct allegation against the petitioner and one witness has also been examined on behalf of the prosecution in the learned trial Court.

8. Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the petitioner having remained in custody for over an year since 8.2.2022 and the trial having commenced in the learned trial Court after framing of charge, the petitioner is directed to be enlarged on bail in connection with Thawe P.S. Case no. 107 of 2020, on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge X, Gopalganj.

(Partha Sarthy, J)

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