

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36075 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

MD. SAJJAD son of Md. Ishaque Village- Chikani Ghat Khaira Ps- Muffasil
Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-07-2023 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 302, 120(B)/34 of the Indian Penal Code.

As per prosecution case, the informant alleged that on 31.8.2022 the petitioner along with Md. Jamil called her deceased-son from house for purpose of some urgent work but her son did not return. During course of search, the informant found her son was lying dead near Khaira Railway Gumti. Thereafter, this case has been lodged.

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



falsely been implicated in this case due to previous enmity. There is no eye witness of the alleged occurrence. During course of investigation, the police has recorded statement of brother of the deceased and found that he is also a hearsay witness. No any consistent material has come on record to suggest the complicity of the petitioner. The entire prosecution hinges around merely on suspicion. Moreover, similarly situated co-accused namely, Md. Guddu has already been granted bail by a co-ordinate Bench of this Court vide order dated 3.5.2023 passed in Cr. Misc. No. 6985 of 2023 and in support of this Annexure-3 has been annexed with this petition. The petitioner has got no criminal antecedent and languishing in judicial custody since 7.9.2022.

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 Katihar Muffasil P.S. Case No. 153 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 Additional Sessions Judge-Vth, Katihar.

(Sunil Kumar Panwar, J)

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