

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37956 of 2023

Arising Out of PS. Case No.-131 Year-2022 Thana- POTHIIYA District- Kishanganj

KHATIBUL @ KHATEBUL S/O FAZLE KARIM R/O Village- Kharakman,
P.S- Pothia, Distt.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Firoz Ahmad, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioner and learned A.P.P
for the State.

2. The petitioner seeks bail in connection with S.T. No. 200 of 2022 arising out of Pothia P.S. Case No. 131 of 2022 dated 19.05.2022 registered for the offence punishable under Sections 341, 323, 307, 302, 379/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner was fencing the land and on being objected by the informant's father, the petitioner and the co-accused persons holding weapons came there and attacked the informant's father due to which he sustained injury and fell down on the ground. They also snatched Rs. 70,000/-. When the informant's uncle came to rescue, he was also forcibly assaulted on his chest by fist and they also assaulted him with legs and fists which led to his death.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. It is submitted that there is land dispute between the parties and there is case and counter case. There is no assault by any weapon like *lathi*, *danda* etc. It is further submitted that co-accused, namely, Fazle Karim has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 27.04.2023 passed in Criminal Miscellaneous No. 3266 of 2023. Lastly, it has been submitted that the petitioner is in custody since 20.05.2022, having no criminal antecedent and charge-sheet has been submitted in this case.

5. Learned A.P.P for the State vehemently opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Kishanganj in connection with S.T. No. 200 of 2022 arising out of Pothia P.S. Case No. 131 of 2022.

(Khatim Reza, J)

prabhat/-

U			
---	--	--	--

