

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42618 of 2023

Arising Out of PS. Case No.-249 Year-2020 Thana- BIRPUR District- Supaul

JAMALUDDIN @ JAMIL AKHATAR S/O FAJLU @ FAJLU RAHMAN
R/O Vill. Shankarpur Ward No. 14 PS. Birpur, Dist. Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Adv.

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-09-2023 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506, 34 of the Indian Penal Code.

3. It is alleged that on 24.10.2020 at about 04:30 PM, when the husband of the informant was returning to his home, after offering Namaz, all the accused persons including the petitioner took him in the backyard of his house and assaulted him by means of shovel and after five days of the alleged occurrence, he died in the hospital during course of treatment.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather



general and omnibus in nature. The name of the petitioner has been transpired in the present case merely on suspicion. After investigation, police has submitted charge-sheet under Sections 341, 323, 504, 506 and 302/34 against the petitioner. Similarly situated co-accused has been enlarged on bail by a co-ordinate bench of this court vide order dated 28.04.2023 passed in Cr. Misc. No. 10568 of 2023. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as similarly situated co-accused has been granted bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Birpur P.S. Case No. 249 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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