

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38138 of 2023

Arising Out of PS. Case No.-326 Year-2022 Thana- DAGARUA District- Purnia

Md Sahabuddin @ Samruddin S/O Md. Manir R/O Village- Dagarua, PS.
Dagarua, Dist.Purnia

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar
For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 447, 341, 323, 302, 504, 506, 34 of the Indian Penal Code.

As per allegation in the FIR, on 27.09.2022 when the husband of the informant namely Md. Firoj Alam was coming to his home after offering Namaz, all the accused persons including the petitioner armed with deadly weapon surrounded him and dropped him on the ground. They assaulted him with punch, brick and stick due to which he sustained injury and he succumbed to injuries on 30.09.2022.

It is submitted by learned counsel for the petitioner



that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case due to previous enmity and dirty village politics. The F.I.R. has been lodged after inordinate delay of three days without assigning any reason of delay. No specific allegation has been attributed against the petitioner rather there is general and omnibus allegation against the accused persons. It is further submitted in para 8 of the petition that from perusal of the postmortem report of the deceased Md. Firoj Alam, it appears that the deceased was suffering from colic and his intestine had rotted, therefore, he got surgery of his stomach at J.L.N. Medical College, Bhagalpur and during course of surgery and treatment, the deceased succumbed. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. It is also submitted that petitioner has voluntarily surrendered on 02.02.2023 and since then he is languishing in judicial custody.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

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



enlarged on bail **after framing of charge, if charge is not framed** in connection with Dagarua P.S. Case No. 326 of 2022 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 J.M.1st Class, Purnia.

(Sunil Kumar Panwar, J)

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