

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45165 of 2023

Arising Out of PS. Case No.-261 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

Maghi Koairi @ Mukesh Mandal @ Mukesh Kumar @ Maghi Kori S/O
Mahesh Koairi @ Mahesh Mandal R/O Village- Angari, Ps. Jagdishpur, Dist.
Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Jagdishpur P.S. Case No. 261 of 2019 initially registered for the offence punishable under Sections 341, 323, 325, 504, 34 of the Indian Penal Code and later on added Section 302 of the Indian Penal Code.

3. As per prosecution case, the petitioner along with other co-accused persons assaulted the informant with lathi and rod due to which his both hands were fractured. After one month the informant died and Section 302 of Indian Penal Code was added in this case.



4. Learned counsel for the petitioner submits that petitioner is innocent, committed no offence and has falsely been implicated in this case. Earlier the F.I.R. was lodged under Sections 341, 323, 325, 504 / 34 of the Indian Penal Code and petitioner was granted bail by the learned Court below vide order dated 06.08.2019. The alleged occurrence took place on 27.07.2019 and after a lapse of about one month the informant died on 27.08.2019 and as per the report, cause of death is stated as head injury due to which Section 302 of I.P.C. was added accordingly the petitioner seeks anticipatory bail. Further, it is stated that there is no allegation against the petitioner for causing head injury on the head of the informant and the injury report also shows that the injury was not on the vital part on the body. The petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned Judicial Magistrate



1st Class, Bhagalpur in connection with Jagdishpur P.S. Case
No. 261 of 2019, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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