

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44935 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- FALKA District- Katihar

Md. Kaiyum @ Abdul Kaiyum Son Of Khalil Khan Resident Of- Salehpur
(Maheshpur), P.S.- Falka, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar Singh, Adv.
For the State	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Musowir, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 27-07-2023

1. Heard learned counsel for the petitioner, learned

counsel for the informant and learned APP for the State.

2. Petitioner seeks regular bail in connection with

Falka P.S. Case No. 22 of 2023, dated 27.01.2023 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was also added.

3. The main submissions advanced by learned counsel

Mr. Pawan Kumar Singh appearing for the petitioner are that as per prosecution's allegation narrated in the FIR the petitioner is simply stated to be order giver and he allegedly instigated other co-accused persons to commit the alleged occurrence of assault and the main allegation of causing *Dabiya* blow at the head of informant's wife is against the son of this petitioner and a dispute with regard to feeding the goats arose in between children of both



the parties which led to the commission of the alleged occurrence and the same is sufficient to show that the alleged occurrence took place in the spur of moment and moreover, the petitioner has been languishing in jail since 28.01.2023 and against him the investigation has been completed and he is a sixty years old person.

4. Learned APP Mr. Choubey Jawahar appearing for the State and learned counsel Mr. Musowir appearing for the informant have vehemently opposed the prayer for bail and submitted that against this petitioner there is a serious allegation.

5. Having regard to the facts and circumstances of this case, considering the above submissions and mainly taking into account the nature of allegation appearing against the petitioner as well as the genesis of the occurrence and petitioner's old age and completion of investigation against him, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Falka P.S. Case No. 22 of 2023.

(Shailendra Singh, J.)

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