

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49761 of 2023

Arising Out of PS. Case No.-61 Year-2022 Thana- PRATAPGANJ District- Supaul

MD. HABID Son of Md. Alauddin Resident of village - Shripur, P.S.-
Pratapganj, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha
For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 341, 323, 325, 307,
302/34 of the Indian Penal Code.

3. The allegation against the petitioner is of assaulting
by means of *Mungari* on the head of the minor daughter of the
informant and also her mother, due to which the minor daughter
of the informant died.

4. It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case. He has committed no offence. The petitioner and the informant are full brother and sister and they were residing in the same house at the time of occurrence. He submitted that actually the occurrence took place when the petitioner was repairing the tin shade of the house, meanwhile scuffle took place between the petitioner and the informant and during the course of scuffle the infant child of the informant slipped down from her lap and become injured and during the course of treatment, she died. He further submitted that after completing the investigation, charge-sheet has been submitted u/s Section 304 of the IPC instead of Section 302 of the IPC. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 05.01.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering 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 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the



satisfaction of the learned Court below in connection with
Pratapganj P.S. Case No. 61 of 2022.

(Sunil Kumar Panwar, J)

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