

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48752 of 2022

Arising Out of PS. Case No.-225 Year-2021 Thana- GORAUL District- Vaishali

MD. IRSHAD S/o Mr. Md. Rozid R/o village- Mansoorpur Halaiya, P.S.-
Goraul (Kathara O.P.), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Sr. Advocate
	:	Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Goraul (Kathara O.P.) PS case no. 225 of 2021 instituted for the offences punishable under Sections 447, 341, 323, 324, 307, 302/34 of the Indian Penal Code.

The case of the prosecution in brief is that while the sons of the informant namely Md. Shamim and Md. Yakib were returning to their house and had reached near their house, the accused persons including the petitioner had surrounded them and had caught hold of them, whereafter the female accused persons brought knife from the house and gave it to the petitioner and one Md. Junaid to kill the



aforesaid two sons of the informant, whereafter the petitioner had stabbed Md. Shamim in his stomach, resulting in his subsequent death on account of the said injury. It is also alleged that the co-accused person namely Md. Junaid had given a knife blow in the stomach of Md. Yakib.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 04.08.2021. The learned counsel for the petitioner has further submitted that though the incident had taken place on 02.06.2021 and the inquest report was prepared at 10.30 pm in the night but the F.I.R. was lodged belatedly only on 03.06.2021. It is also submitted that the petitioner has been alleged to have inflicted only one knife blow and there was no repetition, hence, the petitioner did not have any intention to kill the deceased.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through the materials available on record as also gone through the impugned order dated 01.12.2021, from which, it is apparent that the petitioner had given knife blow in the



abdomen of Md. Shamim and the post mortem report shows that his death had taken place on account of Haemorrhage, shock and comma due to stab injury, hence, the complicity of the petitioner in the alleged crime is writ large. Thus, I do not find any merit in the present petition, accordingly, the same stands dismissed.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

