

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59084 of 2022

Arising Out of PS. Case No.-103 Year-2020 Thana- GAMAHARIYA District- Madhepura

Md. Jaheer @ Md. Ishtiyaque @ Md. Zahir Son Of Md. Idrish R/O Village -
Babhani, P.S.- Gamhariya, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupesh Kumar

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under
Sections 323, 324, 341, 147, 148, 149, 354, 504, 506,
302 of the Indian Penal Code.

The prosecution case as per F.I.R is that all the
accused persons including the petitioner came variously
armed and assaulted the informant and other family
members as a result of which, the husband of the



informant succumbed to the injuries during treatment.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. In fact, due to slip over the mango peels, the deceased has got injury over the right side of chick just above the ear and died during treatment. The informant has deposed before the learned Trial Court as P.W. 3 that her husband died after slept over on the mango peels. P.W. 1 and 2 have also become hostile. The medical report also not corroborating with the ocular evidence. Moreover, other accused have been granted bail by a coordinate Bench of this Court vide order dated 09.08.2021 passed in Cr. Misc. No. 4103 of 2021. The petitioner is languishing in custody since 20.06.2020. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned counsel appearing on behalf of the



informant and learned A.P.P for the State have vehemently opposed the prayer for bail of the petitioner and submitted that petitioner was involved in the commission of murder of the husband of the informant.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-III, Madhepura in connection with Gamhariya P.S. Case No. 103 of 2020 (Sessions Trial No. 128/2021).

(Sunil Kumar Panwar, J)

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