

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54986 of 2022

Arising Out of PS. Case No.-448 Year-2021 Thana- KOTWALI District- Munger

Md. Putul @ Aslam Son of Md. Asraf Resident of Village - Samaspur
Minnatnagar, P.S.- Kotwali, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Jyoti Ranjan Jha, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 07-04-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned senior counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Kotwali P.S. Case No. 448 of 2021 registered for the offences punishable under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code and Section 8 of POCSO Act and later on Section 302 of IPC was added.

As per the prosecution, the informant alleged that a verbal altercation took place between the informant's son and the accused persons with regard to which this petitioner assaulted

the informant's son at his head by means of *iron rod*. Further it is alleged that other accused persons also assaulted the victim.

The main submissions advanced by learned senior counsel for petitioner are that the petitioner is a cancer patient and presently undergoing medical treatment while in jail custody and he has been languishing in jail since 28.10.2021 and though as per FIR he assaulted at the head of the deceased by means of *iron rod* but there is no allegation of having assaulted repeatedly by this petitioner at the head of the victim and the charges have been framed upon the petitioner and his trial has started and the deceased died 19 days after the commission of the alleged occurrence and he has fair and clean antecedent.

Learned APP for the State has opposed the bail prayer.

Having considered the above submissions and mainly the report sent by the Jail Superintendent of Beur Jail, Patna which supports the fact of petitioner's disease being cancer and also shows that the petitioner is presently undergoing Chemotherapy and also taking into account the petitioner's custody period and as per the FIR there is no allegation of repeated blow by this petitioner on the deceased at the time of commission of the alleged occurrence and the petitioner's trial has started, 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 concerned Court in connection with Kotwali P.S. Case No. 448 of 2021.

(Shailendra Singh, J)

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