

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57881 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- MORKAHI District- Khagaria

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Kailash Poddar S/O Late Basu Poddar Resident Of Village- Marar South,
Ward No.-5, P.S- Morkahi, Distt.- Khagaria.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh

For the Opposite Party/s : Mr.Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

3. According to the prosecution case, the petitioner along with others are alleged to have assaulted the father of the informant due to which he sustained injuries and died. The accused persons also fired by their pistol.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. From perusal of prosecution case, no specific overt-act against the petitioner rather general and omnibus allegation leveled against him. It is further



submitted that accused persons are said to have opened fire but postmortem report does show any firearm injury rather doctor opined cause of death is due to Heamorrhage & shock caused by hard blunt and heavy objects. The petitioner has got no criminal antecedent and languishing in judicial custody since 6.3.2023. Moreover, other co-accused persons have already been granted bail by this Court vide order dt. 8.8.2023 passed in Cr. Misc. No. 49786 of 2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Morkahi P.S. Case No. 22 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Khagaria.

(Sunil Kumar Panwar, J)

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