

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56915 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- PRANPUR District- Katihar

Md. Majloom @ Pagala S/O Md. Jafoor Resident of Village- Siranda, P.S.-
Pranpur, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, A.P.P.
For the Informant	:	Md. Musawir, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
13.04.2022 in connection with Pranpur P.S. Case No. 25 of
2022, F.I.R. dated 16.02.2022 for the offences punishable under
Sections 341, 323, 324, 307, 379, 504, 506/34 and later on
police submitted the charge sheet under Sections 341, 323, 324,
307, 302, 504, 506/34 of the Indian Penal Code.

According to prosecution case, in brief, is that on
16.02.2022 at about 08.00 A.M. the petitioner along with other
co-accused persons started abusing and assaulting the informant
namely, Md. Hasim and when informant's elder son Md. Jamal
opposed it then petitioner gave a farsa blow on his head, giving
rise to a cutting injury on his head and during course of
treatment he died.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 16.02.2022 but the present F.I.R. was instituted on 04.03.2022 after the death of the deceased without any explanation of delay. He further submits that bare perusal of the F.I.R. it appears that there is specific allegation against the petitioner that he has assaulted the deceased and he died during treatment.

The learned counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that the medical evidence of the deceased supported the allegation as alleged in the F.I.R. and the police after investigation submitted the charge sheet against the petitioner under Section 302 of the Indian Penal Code.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Pranpur P.S. Case No. 25 of 2022 pending in the court of learned Additional Chief Judicial Magistrate-I, Katihar.

Prayer is refused.

(Rajesh Kumar Verma, J)

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