

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57592 of 2022

Arising Out of PS. Case No.-226 Year-2020 Thana- LAUKAHA District- Madhubani

MD. MUMTAZ @ MOMTAZ ALAM SON OF MD. MAHMOOD R/O
VILLAGE- ANDHARBAN, P.S.- LAUKAHA, DISTT.- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-02-2023 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with Laukaha PS case no. 226 of 2020 instituted for the offences punishable under Section 307 and other allied sections of the Indian Penal Code.

The case of the prosecution in brief, according to the informant, is that some dispute had arisen on account of rain water seeping into the house of the informant leading to the father of the informant trying to remove the soil so that the rain water does not get blocked inside his house, however, the same was objected to by some persons, whereafter a *panchayati* was held and the father of the informant had tried to put forth his side of the story, however 16 named accused persons along with



5-10 unknown persons had arrived there and assaulted the father of the informant, resulting in him receiving grievous injuries, whereafter he had succumbed to his injuries in the hospital.

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 24.06.2022. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against all the accused persons and as far as the petitioner is concerned, he has not been alleged to have engaged in any sort of overt act *qua* the deceased. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide orders dated 16.05.2022, 23.11.2021 and 08.09.2021, passed in Cr. Misc. no. 15499 of 2022, Cr. Misc. no. 18101 of 2021 and Cr. Misc. no. 14304 of 2021, respectively.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail



by co-ordinate Benches of this Court, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional District and Sessions Judge III, Jhanjharpur, Madhubani in connection with Laukaha PS case no. 226 of 2020.

(Mohit Kumar Shah, J)

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