

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62923 of 2023

Arising Out of PS. Case No.-78 Year-2022 Thana- MOTIPUR District- Muzaffarpur

MUNNA SAH S/o- LATE KISHUNI SAH, resident of village- Mahna
Karbala P.S.- Motipur District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Motipur P.S. Case no.78 of 2022 registered under section 302/34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the four named accused persons including the petitioner herein as also 2-3 unknown persons came variously armed with iron rod etc., started to abuse her husband and as a result of indiscriminate and brutal assault by them, the brother of the informant died.

4. Learned counsel for the petitioner submits that besides the petitioner having been falsely implicated in the case, the allegations are general and omnibus in nature. The manner



of occurrence is other than what has been narrated in the F.I.R. Further, referring to the statement made in paragraph no.6 of the petition read with Annexure-P/2, it is stated that Final Form no.288 of 2022 was submitted by the Investigating Authority on 10.5.2022 stating lack of evidence. However, the learned Court below differing with the said final form, took cognizance against the petitioner and others under section 302/34 of the Indian Penal Code. There is unexplained delay of two days in lodging of the F.I.R. The petitioner is in custody since 20.2.2023 and he undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State who submits that not only the petitioner is named in the F.I.R. but there is direct allegation against him of having actively participated in the occurrence along with others. Cognizance has been taken by the learned Court below differing with the final form.

6. Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation, final form having initially been submitted against the petitioner, though cognizance was subsequently taken and the petitioner being in custody since 20.2.2023, the Court directs the petitioner to be enlarged on bail



in connection with Motipur P.S. Case no.78 of 2022 on
furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with
two sureties of the like amount each to the satisfaction of the
learned A.C.J.M. II, Muzaffarpur (West), Muzaffarpur.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

