

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62320 of 2023

Arising Out of PS. Case No.-8 Year-2022 Thana- SHEOHAR District- Sheohar

MD. RIZWAN RIZWI @ MD. DULARE S/O TAHIKAL HAQUE R/O
VILLAGE- GADHWA SHEOHAR, P.S- SHEOHAR, DISTT.- SHEOHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal
	:	Mr.Pushpendra Kumar Singh
For the Opposite Party/s	:	Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-12-2023 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 section 302, 34 of the Indian Penal Code.

3. As per FIR, the informant alleged that the petitioner and co-accused persons assaulted her husband due to wages dispute by means of iron rod, after that they in unconscious position threw his body at his home and fled away. It is further alleged that when the deceased came in conscious position stated about the complicity of the petitioner and co-accused and he again became unconscious thereafter, he was taken to hospital where he died during



treatment.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case merely on the basis of suspicion. In FIR, the informant has stated that the petitioner and co-accused after assaulting threw away body of his husband in unconscious position and she has also stated that her husband stated about the complicity of the petitioner and co-accused, rather in Para-6 of the Case Diary, she has stated that the petitioner and co-accused brought her husband in injured condition and he was not in the position of stating anything, which shows that there is contraction in the statement of the informant. It is further submitted that after completing the investigation charge-sheet has not been submitted under Section 302 rather it was submitted u/s 304/34. As per Para-11, of the bail petition, wherein it is submitted that during the course of shifting the articles from Garage of Sheohar to Garage of Nepal by motorcycle, the deceased met an accident while he was trying to save a boy. The petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 13.06.2023.



5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sheohar P.S. Case No. 08 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar.

(Sunil Kumar Panwar, J)

manishkumar/-

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

