

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62974 of 2022

Arising Out of PS. Case No.-23 Year-2021 Thana- BALIA BELON District- Katihar

Md. Kasim, Son Of Late Shah Jagaru, R/O Village- Chandani Chowk Tola,
P.S.- Balia Belon, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

The allegation against the petitioner and other co-accused persons is that they committed murder of son of informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case on the basis of suspicion. There is no specific allegation against the petitioner rather the allegation levelled against the petitioner is general and omnibus. There is no eye witness of the alleged occurrence. During investigation, not a single witness has alleged that the petitioner



had even threatened, assaulted or abused the deceased. Moreover, the petitioner has got no criminal antecedent. It is further submitted that similarly situated co-accused Md. Hasib has already been granted bail by a Co-ordinate Bench of this Court vide order dated 29.08.2022 passed in Cr. Misc. 64644 of 2021. Moreover, the petitioner is languishing in judicial custody since 11.03.2021.

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Balia Belon P.S. Case No. 23 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar.

(Sunil Kumar Panwar, J)

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