

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70110 of 2022

Arising Out of PS. Case No.-154 Year-2021 Thana- MAHESI District- East Champaran

ANSAR KHAN @ SAHEB S/o Late Anwar Khan R/o Mohalla- Mogalpur
Chaklalu, Ward no. 08, P.S.- Mehasi, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Mishra

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-04-2023 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 sections 341, 323, 302 of the Indian Penal Code.

As per allegation in the FIR, while the informant was at his house, petitioner came there and on account of land dispute, he started to abuse and assault the informant. When informant's mother mother came there to rescue him, petitioner dashed her and started to assault her by bamboo as a result of which she died.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Mother of the informant was an old lady with several ailment and at the time of scuffle, she was pushed down by the crowd and died and



the case has been registered u/s 302 IPC but after completing the investigation, charge-sheet has been submitted u/s 304 IPC. Petitioner has not intentionally killed the informant's mother rather the alleged occurrence took place at the spur of moment. In para 11, 12 and 13 of the case diary, some of the witnesses have disclosed that she was suffering from heart problem and due to dash, she fell down and died. As per postmortem report, doctor has opined that cause of death is not clear. Petitioner is languishing in judicial custody since 5.09.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran in connection with Mehsi P.S. Case No. 154 of 2021.

(Sunil Kumar Panwar, J)

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