

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74084 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- PUWAKHALI District- Kishanganj

Zamirul Islam @ Zamerul Islam Son Of Samsuddin Resident Of Bank Basti
Dumaria, P.S.- Powakhali, Distt.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Singh

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Powakhali P.S. Case No. 14 of 2022 registered under sections 302, 201, 120B and 34 of the Indian Penal Code.

As per prosecution case, the son of the informant went out in the night to attend nature call but did not return. In the morning, the informant received an information that a person was found hanging in the house of co-accused, namely, Jamaluddin and when the informant reached there, he found the dead body of his son and showed his suspicion that the co-accused persons along with petitioner killed his son and hanged his dead body.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is brother of the main accused, namely, Jamaluddin due to which he has falsely been implicated in this case. It is further submitted that nothing has come on the record to show that the petitioner has participated in the commission of the offence. There is no eye witness of the alleged occurrence. No external injury mark has been found during postmortem and the doctor has found that the deceased died due to asphyxia and shock as a result of hanging. A statement has been made in para- 3 of this petition that the petitioner has got no criminal antecedent. He is languishing in judicial custody since 25.08.2022. Similarly situated other co-accused persons have already been granted bail by the different co-ordinate Bench of this Court vide order dated 01.02.2023 in Cr. Misc. No. 45011 of 2022 and order dated 18.11.2022 in Cr. Misc. No. 44047 of 2022.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to



enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Powakhali P.S. Case No. 14 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 J.M. 1st Class, Kishanganj.

(Sunil Kumar Panwar, J)

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