

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73777 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- JALALGARH District- Purnia

MD. JITAN Son of Late Shekh Shakeer R/v- Bojgown Ward No. 07, P.S.-
Jalalgarh, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-03-2023 Heard learned counsel appearing on behalf of the parties.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Jalalagarh P.S. Case No. 141 of 2022 registered for the offence under Sections 341, 323, 427, 504, 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 13.08.2022.

The allegation against the petitioner is to commit murder of father of informant along with other 12 named co-accused persons, while causing assault with *lathi*, *rod*, etc., for petty dispute, arises out of game of children, playing in nearby



orchard.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case. Learned counsel further pointed out that specific allegation as regard to fatal assault is available against co-accused, namely, Mursid, as per the face of FIR, where, petitioner was alleged with collective assault. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that allegation as regard to collective assault and active participation is available against this petitioner, as per FIR.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is appearing very much general and omnibus, where, specific allegation as regard to cause fatal assault is available against co-accused, namely, Mursid coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jalalgarh P.S. Case No. 141



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 learned J.M. 1st Class, Purnea/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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