

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3266 of 2023

Arising Out of PS. Case No.-131 Year-2022 Thana- POTHIYA District- Kishanganj

FAZLE KARIM Son of Kothla Mohammad Resident of Village- Kharakman,
P.S.- Pothia, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 27-04-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner has preferred this application for grant of regular bail in connection with S.T. No. 200 of 2022, Pothia P.S. Case No. 131 of 2022 dated 19.5.2022 registered for the offences punishable u/s 341, 323, 307, 302, 379/34 of the Indian Penal Code.

As per the prosecution case, the petitioner was fencing the land and on being objected by the informant's father, the petitioner and the co-accused persons holding weapons came



there and attacked the informant's father due to which he sustained injury and fell down on the ground. They also snatched Rs. 70,000/-. When the informant's uncle came to rescue, he was also forcibly assaulted on his chest by fist and they also assaulted him with legs and fists which led to his death.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. He has further submitted that there is general and omnibus allegation against the petitioner. There is no specific allegation against the petitioner. There is no allegation of assault on the head of the deceased. There is land dispute between the parties. The petitioner has got no criminal antecedent. The petitioner is in judicial custody since 20.05.2020.

Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the prayer of the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody and the nature of allegation being general and omnibus against the petitioner, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand)



with two sureties of the like amount each to the satisfaction of
learned Court concerned, Kishanganj in connection with S.T.
No. 200 of 2022, Pothia P.S. Case No. 131 of 2022.

The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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