

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9538 of 2024

Arising Out of PS. Case No.-98 Year-2019 Thana- MARAUNA District- Supaul

1. Zohara Khatoon @ Johra Khatoon Wife Of Md. Ilyas @ Ilyas Resident Of Village - Goath, Marauna, P.S. - Marauna, District - Supaul
2. Md. Yakub @ Md. Yaqoob Son Of Md. Ilyas @ Ilyas Resident Of Village - Goath, Marauna, P.S. - Marauna, District - Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan, Advocate Mr. Hafiz Shahbaz, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP
For the informant	:	Mr. Kuldeep Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with Marauna P.S. Case No. 98/2019 lodged on 12.08.2019/ under Section 302/34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been lodged against six named accused persons including the present petitioner. According to the FIR, petitioner no.1 is alleged to have caught the hand of the victim whereas petitioner no.2 is alleged to have assaulted the deceased with fists.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. The petitioners and the informant both are well-known to each other and reside in the same village but due to a petty dispute, a scuffling took place between them which resulted in the death of the informant's son. **The petitioners are in custody since 21.09.2023 having no criminal antecedent.** It is further submitted other co-accused have been granted regular bail by a co-ordinate Bench of this Court vide order dated 19.03.2020 passed in Criminal Miscellaneous No. 80688 of 2019 and vide order dated 12.10.2020 passed in Criminal Miscellaneous No. 22380 of 2020.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that petitioners are responsible for the commission of the said crime. There is a specific allegation against them.

7. From the material available on record, it transpires that the informant has filed an application before the Judicial Magistrate, 1st Class to the effect that he has settled his dispute with the accused persons. Subsequently, in the Sessions trial, he deposed on the evidence that due to an accident death of his son



had been caused.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of CJM, Supaul, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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