

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16786 of 2024

Arising Out of PS. Case No.-269 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

SAGIR ALAM @ PUJARI SON OF LATE IMAM HUSSAIN @ IMAM
MIYAN RESIDENT OF VILLAGE - AMWA BIJAYPUR, P.S. -
KUCHAIKOTE, DISTRICT - GOPALGANJ, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 13-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kuchaikote P.S. case No. 269 of 2022 instituted for the offences
under Sections 302/34 of the Indian Penal Code.

3. Prosecution case, in a nutshell is that after hearing
information about a dead body which was lying under a tree
near embankment, informant along with his family members
reached at the spot and found that the said dead body was of his



elder brother. Accordingly, the informant raised suspicion that the petitioner along with other co-accused persons has killed his elder brother due to earlier dispute.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case due to previous enmity. There is no eye-witness to the alleged occurrence. Both the parties are co-villagers. The petitioner has no concern with the alleged occurrence or with the accused persons. It is further submitted that no external injury has been found over the body of the deceased. Similarly situated co-accused persons have already been granted bail by a Coordinate Bench of this Court vide order dated 16.01.2024 passed in Cr. Misc. No. 561 of 2024. It has been submitted on behalf of the petitioner that the petitioner is in custody since 18.08.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity, clean antecedent as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kuchaikote P.S. case No. 269 of 2022.

(Rudra Prakash Mishra, J)

Alok Verma/-

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