

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31634 of 2024

Arising Out of PS. Case No.-126 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Istiyak Alam @ Guddu Son of late Md. Tufail Ahmad Resident of Village -
Garhbenaili, P.S. - Kasba, Distt - Purnia.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Dr. Indiwari Kumari

**CORAM:Patna HONOURABLE MR. JUSTICE SUNIL KUMAR
PANWAR**

ORAL ORDER

3 02-07-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 324, 307, 384, 504, 506 and 34 of the Indian Penal Code and later on charge sheet has been submitted under Sections 504, 506, 304 and 34 of the IPC.

3. Allegation against one co-accused Md. Khalil is that he fired upon the informant's father but accidentally the bullet did not fire, then he injured his father with the but of the pistol due to which his father fell down thereafter all the accused persons including this petitioner assaulted his father due to which he sustained injuries and later on during the course of



treatment, he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to land dispute. Nothing specific allegation has been levelled against the petitioner rather the specific allegation of assault upon the informant's father by means of butt of the pistol is against co-accused Md. Khalil. There is general and omnibus allegation against the petitioner. During investigation, except informant, no one has named the petitioner rather they named the co-accused Md. Khalil who assaulted the informant's father. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 25.11.2023.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Saharsa Sadar P.S. Case No.



126 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa.

(Sunil Kumar Panwar, J)

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