

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51004 of 2023

Arising Out of PS. Case No.-654 Year-2022 Thana- LAHERIYASARAI District- Darbhanga

Md. Imteyaz Son of Md. Ibrar Resident of Village- Sirnia, Ps- Ashok Paper Mill, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 01-03-2024 Heard learned counsel for the petitioner and learned APP for the State as also perused the case diary.

2. The petitioner seeks bail in connection with Laheriasarai P.S. Case No. 654 of 2022 corresponding to S.T. No. 358 of 2023 instituted for the offences under Sections 364 and 34 of the Indian Penal Code.

3. The allegation against the petitioner is of assaulting and strangulating the Informant with the help of her cloth and throwing her off the roof thinking that she was dead due to which the Informant sustained serious head injury and, thereafter, she was taken to D.M.C.H. for her treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. The petitioner is the husband of the Informant. He has further stated that the date of occurrence is 14.08.2022 and the F.I.R. was lodged on 28.11.2022 and there is no explanation for the inordinate delay in instituting the case. The petitioner has been implicated in this case due to previous enmity and family dispute between the parties. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has also been made accused in Ashok Paper Mill Case No. 158 of 2022 lodged under Section 323, 498(A) and 34 of the I.P.C. lodged by the Informant herself in which he is on bail. The petitioner is languishing in judicial custody since 09.01.2023. Charge-sheet has been submitted but, the charge has not been framed as yet.

5. Learned counsel for the petitioner again submits that the co-accused Md. Faiyaz @ Faiyaz Alam has been granted bail by a Co-ordinate Bench of this Court vide order dated 03.07.2023 passed in Cr. Misc. No. 37406 of 2023.

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

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also considering the claim for bail based on parity,



let the petitioner, abovenamed, 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 Laheriasarai P.S. Case No. 654 of 2022 corresponding to S.T. No. 358 of 2023, subject to the following conditions;

- (i) One of the bailors shall be own/close member of the family of the petitioner.
- (ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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