

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67807 of 2023

Arising Out of PS. Case No.-194 Year-2023 Thana- AAJAM NAGAR District- Katihar

Md. Sadik Son Of Md. Yunus Resident Of Village Siktiya Bairiya Ps
Azamnagar District Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 341, 323, 307, 302, 504, 506 and 34 of the Indian Penal Code.

3. It is a case of assaulting by the accused persons to the informant and her husband due to which they sustained injury and husband of the informant namely, Md. Aslam @ Mantu succumbed to injury.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case due to personal grudge and local politics. He is own brother of the deceased and *dever* of the informant. During investigation



vide para 40 of the case diary this fact came into light that there was quarreling between father (deceased) and his son, when the petitioner heard he came and tried to leave the fight but in the meantime the deceased fell down on stone and he sustained injury thereafter his family members took him for treatment but in the way he died. General and omnibus allegation has been levelled against the petitioner and there is no specific overt act has been alleged against him. It is further submitted that this case been lodged u/s 341, 323, 307, 302, 504, 506 and 34 of the I.P.C. but after concluding the investigation charge sheet has been submitted U/s 304 of the I.P.C. not u/s 302 of the I.P.C. against the petitioner. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 12.07.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the



satisfaction of the learned C.J.M., Katihar in connection with
Azamnagar P.S. Case No. 194 of 2023.

(Sunil Kumar Panwar, J)

lata/-

U		T	
---	--	---	--

