

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81833 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- POTHIYA District- Kishanganj

1. Md. Irshad @ Irshad Son Of Hussain @ Md. Hussain R/O Village- Piyakuri, P.S.- Pothia, District- Kishanganj
2. Saheb Ali @ Saheb Raza Son Of Hussain @ Md. Hussain R/O Village- Piyakuri, P.S.- Pothia, District- Kishanganj
3. Gullu @ Md. Mokimuddin Son Of Hussain @ Md.Hussain R/O Village- Piyakuri, P.S.- Pothia, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioners seek regular bail in connection with Pothia P.S. Case No. 188 of 2023 registered for the offence under Sections 302, 120(B), 34 of the Indian Penal Code.

3. As per prosecution case, the petitioner along with co-accused persons abducted the informant's brother namely, Md. Maksab and confined him. Thereafter, they assaulted him brutally and hanged to death.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They



have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. No specific over-tact against them. No one is the eye witness to the alleged occurrence. Similarly situated other co-accused Tausif Alam has already been granted by co-ordinate Bench of this Court vide order dt. 25.8.2023 passed in Cr. Misc. No. 55016 of 2023. The petitioner nos. 1 & 2 are languishing in judicial custody since 13.4.2023 and petitioner no.3, since 25.4.2023.

5. Learned APP appearing for the state has 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 period,, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Pothia P.S. Case No. 71 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Kishanganj.

(Sunil Kumar Panwar, J)

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