

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60641 of 2024

Arising Out of PS. Case No.-293 Year-2023 Thana- KRITYANAND NAGAR District-
Purnia

MD. JAHANGIR SON OF LATE MD. RAFIQUE R/O- VILLAGE-
UFRAIL, WARD NO. 7, P.S.- SRI NAGAR, DISTT.- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 07-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State .

2. The petitioner seeks regular bail in a case registered
for the offence under Sections 341, 342, 323, 325, 307, 504, 506
of the Indian Penal Code and later on, Section 302 of the Indian
Penal Code was added.

3. As per the prosecution case , on the alleged date
and time of occurrence, this petitioner along with other co-
accused persons are alleged to have assaulted informant and his
family members. This petitioner is alleged to have assaulted
with sword on the head of father-in-law of informant, due to
which, he was severely injured and during course of treatment,
died.



4. Learned counsel for the petitioner submitted that due to a land dispute between the parties, this petitioner and his entire family have been falsely implicated in this case. Petitioner is the son of the late Rafique, and after the death of the father of the petitioner, namely Rafique, the mother of the petitioner, Islami Khatoon, solemnized second marriage with co-accused Md. Dhanno, and this petitioner was living in his maternal house . The present F.I.R. has been lodged under Sections 341, 342, 323, 325, 307, 504, and 506 of the Indian Penal Code, but during the course of the investigation, after 3 days of the alleged occurrence in the course of treatment, Md. Hakim died on 19.05.2023 in the hospital, as a result of which Section 302 of the Indian Penal Code was added in this case. Co-accused Md. Dhanno is the full brother of the deceased Md. Hakim. The petitioner is the stepson of Md. Dhanno . The informant is the daughter-in-law of the deceased Md. Hakim; therefore, the petitioner is the step-devar of the informant. It is further submitted that during the course of the investigation, some of the witnesses have stated that it was co-accused Dhanno who assaulted on the head of the deceased with a sword. In the supervision note of the Deputy Superintendent of Police, he, in conclusion of his supervision note, has specifically stated that



co-accused Md. Dhanno assaulted on the head of deceased Md. Hakim. He further stated in conclusion of his supervision note that the informant disclosed that she is an illiterate lady and she has only signed on the F.I.R. due to mistake, this petitioner has been made accused in this case . Petitioner is in custody since 29.11.2023 .

5 . Learned counsel for the petitioner opposed the bail petition and submitted that petitioner is named in the F.I.R and there is specific allegation against him that he assaulted on the head of deceased with sword due to which he died. In post mortem report, cause of death is head injury caused by heavy sharp weapon .

6. Considering the fact that petitioner is named in the F.I.R. and he is one of the assailant and other circumstances of the case , his prayer for regular bail is hereby rejected.

(Prabhat Kumar Singh, J)

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