

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8816 of 2015

Arising Out of PS.Case No. -434 Year- 2014 Thana -SAUR BAZAR District- SAHARSA

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Md. Jabbar @ Jabbar Mian, Son of Ranmaulla Mian, Resident of
Gammharia, P.S. – Sour Bazar, District – Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Suman Kumar Jha, Advocate.

For the Opposite Party : Mr. M.K.Khare(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 24-04-2015 Heard both sides.

The petitioner seeks bail in Sour Bazar P.S. Case No.
434 of 2014, registered for the offences punishable under Section
302 and other Sections of the Indian Penal Code.

Md. Ijub @ Md. Ayub alleged that Gaffar Mian,
Shaukat Mian, Md. Jabbar @ Jabbar Mian and Sabbir Mian
having armed with different weapons came and began to abuse the
informant. On protest Gaffar Mian is alleged to have assaulted the
informant with Pharsa on his head. When the father of the
informant came, Shaukat Mian assaulted him with the handle of
tube well. Md. Ijub @ Md. Ayub the informant died during the
course of treatment.

Learned counsel for the petitioner submits that there is

no allegation of assault either on the deceased-informant or on the father of the informant against the petitioner.

On the other hand, learned counsel for the informant submits that during the course of investigation the witnesses have stated that all the accused persons brutally assaulted the informant who consequently succumbed to the injuries.

It appears that the informant later on died. The informant made very specific allegation that only Gaffar Mian assaulted him with Pharsa on his head. The informant did not make any allegation of assault on him against any other accused persons. The assailant of the deceased Md. Ijub @ Md. Ayub is Gaffar Mian.

Considering the facts aforesaid, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Sour Bazar P.S. Case No. 434 of 2014.

(Prabhat Kumar Jha, J.)

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