

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23751 of 2015

Arising Out of PS.Case No. -435 Year- 2013 Thana -DARBHANGA SADAR District-
DARBHANGA

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1. Md. Afroz @ Chand @ Babloo S/o Md. Israil Resident of Village
Suripatti (Makarampur), P.S. Sakri, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary

For the Opposite Party/s : Mr. Sunil Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 16-10-2015 Heard learned counsel for the petitioner, learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

Petitioner is named and it is stated that petitioner
along with two other F.I.R. named accused and two unknown
persons mercilessly assaulted the deceased as a result of which
deceased died. The reason behind the alleged occurrence is said to
be matrimonial dispute between co-accused and informant. The
post mortem report of the deceased reveals that three injuries were
found on the person of the deceased, out of them one injury was
found on the head of the deceased which became fatal and rest two
injuries appears to be abrasion and bruise. Admittedly, co-accused,



Naseem Haider, who happens to be father in law of the informant has already been granted bail by the learned court below on the ground that he was suffering from diabetes and hypertension and furthermore, it is an admitted position that bail prayer of husband of the informant was rejected by a co-ordinate Bench of this Court vide order dated 22.09.2014 passed in Cr. Misc. No. 17863 of 2014 giving liberty to aforesaid accused to renew his prayer for bail before the court below, if his trial is not concluded within a period of eight months.

Learned counsel for the petitioner submits that it is not specific who caused the head injury to the deceased and moreover, petitioner does not have any concern with the matrimonial dispute of the informant and co-accused.

On the other hand, learned counsel appearing for the informant opposed the prayer submitting that petitioner also participated in the alleged crime and his case does not stand to the similar footing of co-accused, who has been granted bail on the ground of his ailment.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of period of detention of the petitioner in jail custody, let the petitioner 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 1st Additional Sessions Judge, Darbhanga at Laheriasarai in connection with Sessions Trial No. 62 of 2015 arising out of Darbhanga Sadar (Bhalpatti) P.S. Case No. 435 of 2013.

(Hemant Kumar Srivastava, J)

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