

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27205 of 2015

Arising Out of PS.Case No. -214 Year- 2015 Thana -KHAZANIHAT District- PURNIA

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Md. Amzad, Son of Munna Khan, Resident of Mohalla - Ahmed Nagar,
Madhopara, Loot Mohalla, Line Bazar, Police Station-K. Hat, District –
Purnea. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shantanu Braj Choubey, Advocate
Mr. Saket Gupta, Advocate
For the Opposite Party/s : Smt. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 26-08-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

By way of filing an application under Section 438 of
the Code of Criminal Procedure, the petitioner seeks
anticipatory bail in connection with K. Hat P.S. Case No. 214 of
2015 registered for the offences punishable under Sections 323,
328, 302, 120-B and 506 read with 34 of the Indian Penal Code.

It is contended that though the victim was taken to
the clinic of one doctor Arvind on 28th March, 2015, no
information was given to the police regarding occurrence of
assault which is said to have taken place on 27th March, 2015.



Even on 29th March, 2015, no information was given to the police. The Compounder of the doctor Arvind has stated that the victim had been treated in the clinic of Dr. Arvind as he was suffering from diarrhea. The FIR was instituted after the son of the informant died on 30th March, 2015. The body of the deceased was subjected to the postmortem examination and even in post-mortem examination, no internal or external antemortem injury was found on the body of the deceased. Though, the viscera has been preserved, there is no forensic report to suggest that the death was caused due to poisoning.

It is further contended that another co-accused namely, Md. Imtiyaz @ Md. Imtiyaz Alam whose case is identically situated to that of the petitioner has already been granted anticipatory bail by a Bench of this Court vide order dated 6.8.2015 passed in Cr. Misc. No. 31767 of 2015.

Learned counsel for the State opposes the prayer for bail. However, he concedes that the case of the petitioner stands on identical footing to that of Md. Imtiyaz @ Md. Imtiyaz Alam.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioner is directed to

be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with K. Hat P. S. Case No. 214 of 2015 subject to the condition as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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