

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40808 of 2014

Arising Out of PS.Case No. -277 Year- 2014 Thana -SITAMARHI District- SITAMARHI

1. Md. Noor Islam S/o Akhatar Kaliya
2. Md. Akhatar Khaliya @ Md. Akhatar @ Md. Akhatoor S/o Late Usman Shekh Both are residents of village- Mehsaul Got Ward No. 11 P.S. and District- Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Uday Kumar, Advocate
For the informant : Mr. Ashhar Mustafa, Advocate

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

4 02-03-2015

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case for the offence punishable under Sections 448, 341, 323, 324, 307, 379, 302 and 34 of the Indian Penal Code.

It is submitted on behalf of the petitioners that there is omnibus allegation against the four named accused including the petitioners to have assaulted the informant and also her father Md. Mirja Galib, who died after five days during treatment. There is no specific allegation of overt act against the petitioners. It appears from the fardbeyan that Md. Noor Islam was armed with Garasa.

The submission of the other side is that there is specific allegation of overt act to have assaulted the

informant as also the deceased on his head and the post mortem injuries show that there are several injuries on the head of the deceased. The petitioners have entered into the house of the informant and have committed the offence. After the investigation the case has been found true. It is also submitted that there is specific allegation against Noor Islam that he assaulted the informant with Garasa causing her head injury and she has been hospitalized in the P.M.C.H.

Considering the facts and circumstances, in my opinion, the petitioners do not deserve bail. Their prayer for bail is rejected.

Let the trial of Sitamarhi P. S. Case no. 277 of 2014 be expedited.

(Amaresh Kumar Lal, J)

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