

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9898 of 2015

Arising Out of PS.Case No. -400 Year- 2014 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Sheikh Mister Son of Sheikh Jahangir
 2. SK. Manjoor son of Late SK. Fazle Imam

Both are residents of village - Bishambharpur, Police Station -
Majhaulia, District - West Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.
For the Opposite Party/s : Mr. Aslam Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

4 17-07-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in Majhaulia P. S. Case No.
400 of 2014 registered for the offence punishable under Sections
302 and 307 and other allied sections of IPC.

Allegation is that the petitioner no. 1 instigated the
co-accused to assault deceased Ali Raja, husband of the informant
Ruksana Khatoon. Sheikh Mister (petitioner no. 1) assaulted the
deceased with a piece of wood on the head of the deceased and Sk.
Manjoor (petitioner no. 2) also assaulted the deceased with
intention to kill him and thereafter the deceased fell down. When
Sk. Mustaque, Sk. Samsool, Sk. Taiyab and others came to rescue

him, other accused also assaulted them. The occurrence was taken place at the village road. After treatment the deceased was referred to Patna for better treatment but in the way the deceased succumbed to his injuries.

Learned counsel for the petitioners submits that it appears from the fardbeyan of the informant that she is not an eye witness to the occurrence and she has gathered information from the injured witnesses. Sk. Mustaque has stated that the petitioner no. 1 assaulted Ali Raja (deceased) on his head and the petitioner no. 2 also assaulted him. Other witnesses have not stated the manner of assault. They have given omnibus allegation. The petitioners have no criminal antecedents.

Learned counsel for the other side submits that the injured witnesses have specifically stated that at the instance of petitioner no. 1, the petitioner no. 1 himself and petitioner no. 2 assaulted the deceased brutally, as such, he fell down and when other witnesses came to his rescue, they were also assaulted by other accused as such there is specific allegation of overtact against both the petitioners. The post-mortem report also supports the version of the prosecution. After investigation, the case has been found true. Charge-sheet has already been submitted.

Considering the facts and circumstances, in my

opinion, the petitioners do not deserve bail at this stage. Their prayer for bail is rejected.

Let the trial be expedited.

(Amaresh Kumar Lal, J)

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