

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49816 of 2014

Arising Out of PS.Case No. -180 Year- 2014 Thana -MAHNAR District- VAISHALI(HAJIPUR)

1. Md. Abdul Ajim son of Late Md. Hakim
2. Md. Naushad son of Md. Abdul Ajim Both residents of village - Bajitpur
Chakusman, Police Station - Mahnar, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.12602 of 2015

Arising Out of PS.Case No. -180 Year- 2014 Thana -MAHNAR District- VAISHALI(HAJIPUR)

1. Md. Shamsher Son of Md. Abdul Ajim Resident of village - Bajitpur
Chakusman, Police Station - Mahnar, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.49816 of 2014)

For the Petitioner/s : Mr. Zeyaul Hoda

For the Opposite Party/s : Mr. Sanjay Kumar Pandey (App)

(In Cr.Misc. No.12602 of 2015)

For the Petitioner/s : Mr. Zeyaul Hoda

For the Opposite Party/s : Mr. Akbar Ali(App)

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

4 14-05-2015

Heard Mr. Zeyaul Hoda, learned counsel for the

petitioners appearing on behalf of petitioners Md. Naushad and
Md. Shamsher and the learned Additional Public Prosecutor for
the State.

The petitioners seek regular bail in a case under
section 302 and other allied Sections of the Indian Penal Code.

Md. Abdul Azim, petitioner no. 1 in Criminal
Misc. No. 49816 of 2014 has already been enlarged on bail by a
Bench of this Court vide order dated 03.03.2015.

The informant named seven persons including petitioners Md. Naushad and Md. Shamsheer and others. The informant alleged that Md. Shamsheer assaulted with his knife which hit on her arm. Her brother and nephews came to save her, they all were assaulted with knife.

It is submitted that except Md. Shamsheer, who is alleged to have assaulted with knife, no specific allegation has been levelled against any of the accused persons. Petitioner no. 1 Md. Ajim has already been enlarged on bail and the case of petitioner Md. Naushad stands on the same footing as there is no specific allegation of assault against him. It is submitted that during the course of investigation, the witnesses including the informant made no specific allegation of assault against any of the accused but on perusal of the case diary it appears that petitioner Md. Shamsheer was armed with knife and he is alleged to have assaulted the informant and her brother and nephews. One of the nephews of the informant, namely, Md. Shahzad succumbed to the injuries during the course of treatment. The Doctor found one stitched wound on the head and the cause of death is the head injury.

Considering the facts aforesaid, Md. Shamsheer, petitioner of Criminal Misc. No. 12602 of 2015, who is alleged to have given knife blows on the informant and others including the deceased, I am not inclined to enlarge him on bail in connection

with Mahnar P.S. Case No. 180 of 2014 pending in the court of Sri Mukesh Kumar, Judicial Magistrate, 1st Class, Hajipur.

So far as the case of Md. Naushad, petitioner in Criminal Misc. No. 49816 of 2014 is concerned, there is no specific allegation of assault against him. Accordingly, petitioner Md. Naushad 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 Sri Mukesh Kumar, Judicial Magistrate, 1st Class, Hajipur in connection with Mahnar P.S. Case no. 180 of 2014.

The trial court is directed to expedite the trial of the petitioners and conclude the same within nine months from the date of receipt/production of a copy of this order. If the trial is not concluded by the time aforesaid, petitioner Md. Shamsheer may renew his prayer for bail firstly in the trial court.

(Prabhat Kumar Jha, J)

Amin/-

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