

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42832 of 2015

Arising out of PS.Case No. -28 Year- 2015 Thana -AMDABAD District- KATIHAR

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1. Rahim, Son of Late Sheikh Buddhu.
2. Sheikh Santu @ Sintu, Son of Late Samful. Both residents of village -
Raghunathpur, Kewala, Police Station - Amdabad, District - Katihar.
..... Petitioners

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajendra Prasad Sah, Advocate.
For the Opposite Party : Mr. Rajesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-10-2015 Heard learned counsel for the petitioners and learned
counsel for the State

The petitioners are languishing in custody since
22.07.2015 in connection with Amdabad P.S. Case No. 28 of 2015
for the offences instituted under Sections 147, 149, 323, 307, 379
and 504 of the IPC.

The prosecution story, in brief, is that on the alleged date
of occurrence at about 1.30 hours, all the accused persons
including the petitioners having armed with Sickle, Dabia, Lathi
and Spear came upon the land of the informant, started cutting
bamboo clumps and on protest made by the son of the informant
all the accused persons started assaulting him with sickle and
Dabiya. On hulla, the informant's husband and other persons came
to save them and the accused Seikh Santu gave sickle blow on the

head of the husband of the informant and other accused persons also assaulted and injured the other persons of the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. The petitioners are in custody since 22.07.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. No deadly weapon is said to have been used in the alleged occurrence. It is further submitted that the petitioners may be released after completion of six months in custody from 22.07.2015.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioners may be released on bail after completion of six months in custody from 22.07.2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Katihar, in connection with Amdabad P.S. Case No. 28/2015.

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(Sudhir Singh, J)