

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25831 of 2015

Arising out of PS.Case No. -340 Year- 2014 Thana -MASAURHI District- PATNA

1. Md. Naushad @ Md. Naushad Alam, son of Md. Habib Miyan, resident of Village- Purani Bazar, P.S. - Masaurhi, District - Patna.

2. Md. Asfak@ Md. Asfak Alam, son of Pir Mohammad, resident of Village- Daudpur , P.S. - Masaurhi, District- Patna.

.... .. Petitioners

Versus

The State of Bihar

.... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rajani Kant Singh, Advocate.

For the Opposite Party : Mr. Ajay Kumar 2(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-09-2015 Heard learned counsel for the petitioners and learned counsel for the State

The petitioners are apprehending their arrest in connection with Masaurhi P.S. Case No. 340 of 2014 for the offences instituted under Sections 302 and 328/34 of the IPC.

The prosecution story, in brief, is that on 15.08.2014 around 11.30 O' Clock the petitioners took the younger brother of the informant on motorcycle and thereafter it was disclosed that on account of accident, the younger brother of the informant died. It has been stated in the FIR that the vehicle capsized in puddle of water and the deceased was lying paddle and remaining accused persons were standing nearby. The informant admitted the

deceased to the hospital and in the meantime the relative of the deceased came and took away to the Masaurhi Hospital where the statement was recorded. The crowd has been suspected in the F.I.R. itself it is declared that something has been mixed in the liquor by the petitioners.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. As per the F.I.R., the alleged occurrence is said to have taken place on 15.08.2014. Subsequently, the deceased was taken for treatment. When he could not survive his cremation was made on 16.08.2014. After cremation, F.I.R. was instituted on 17.08.2014 then the dead body of the deceased was taken out on 19.08.2014 and thereafter postmortem was conducted on 20.08.2014. In the postmortem report, the cause of death of the deceased could not be ascertained. It is further submitted that there is no eye witness to the occurrence and merely on the basis of suspicion the petitioners have been implicated in the present case.

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

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a

period of four weeks from today in connection with Masurhi P.S. Case No. 340/2014 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 S.D.J.M., Masaurhi, Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)