

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13519 of 2015

Arising Out of P. S. Case No. -582 Year- 2013 Thana -SAHARSA District-
SAHARSA

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1. Md. Afsar
2. Md. Anwar
Both sons of Md. Ibrahim
Both are resident of village- Rupnagra, Ward No. 40, P.S. & District-
Saharsa

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Jitendra Kr.Roy 1(App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 29-04-2015 Heard learned counsel for the petitioners and the State.

The petitioners seek bail in a case registered for the offence punishable under Sections 341, 323, 447, 379, 427, 307/34 IPC and subsequently Section 302 IPC was added after the death of the victim.

It is submitted that there is occurrence of assault between both the parties due to land dispute. Md. Anwar (petitioner no. 2) has also lodged Saharsa Sadar P. S. Case No. 583 of 2013 for the offence punishable under Sections 341, 323, 380, 448 and 504/34 IPC. There is no specific allegation of overtact against the petitioners and they have no criminal

antecedents.

It is further submitted that after investigation charge-sheet has already been submitted and the case has been committed to the court of sessions. Charges have been framed.

Learned counsel for the State submits that there is specific allegation of overtact against the petitioners and one Md. Rinka to have assaulted the deceased who died during treatment.

Considering the facts and circumstances, in my opinion, the petitioners do not deserve bail at this stage.

However, it will be open to the petitioners to make prayer for bail before the trial Court, if the trial is not concluded within one year.

With the aforesaid observation, this application stands disposed of.

(Amaresh Kumar Lal, J)

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