

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 36332 of 2014

Arising out of P. S. Case No. - 830 Year - 2012 Thana - BETTIAH TOWN, District - WESTCHAMPARAN (BETTIAH)

=====

1. Sonu Alam, Son of Sahmat Mian, resident of Village Shekhauna, P.S. Jagdishpur, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

With

Criminal Miscellaneous No. 48777 of 2014

Arising out of P. S. Case No. - 830 Year - 2012 Thana - BETTIAH TOWN District - WESTCHAMPARAN (BETTIAH)

=====

1. Azad Mian @ Azad Alam Son of Ibrahim Mian Residence of Hazari Tola, P.S. - Bettiah Town, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 13-01-2015 Heard learned counsel for the petitioners, the State and the informant.

The petitioner Sonu Alam is in custody since 25.06.2014 whereas petitioner Azad Mian @ Azad Alam is in custody since 08.01.2013 in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 326, 307, 302 and 506 of the Indian Penal Code.

It is alleged that petitioner Sonu Alam gave Chura blow on the shoulder and chest of Shahid Ali whereas the petitioner Azad Mian @ Azad Alam caused injury with Gupti

in the chest of Naushad Alam who subsequently succumbed to the injury.

It is submitted by the learned counsel on behalf of Sonu Alam that the injury report of Shahid Ali is not on record. The case diary was called for but the same also does not contain the injury report.

It is submitted by the learned counsel Azad Mian @ Azad Alam that accusation of making assault only once. Hence, it does not constitute an offence under Section 302 of the Indian Penal Code rather, at best it is a case of Section 304 of the Indian Penal Code.

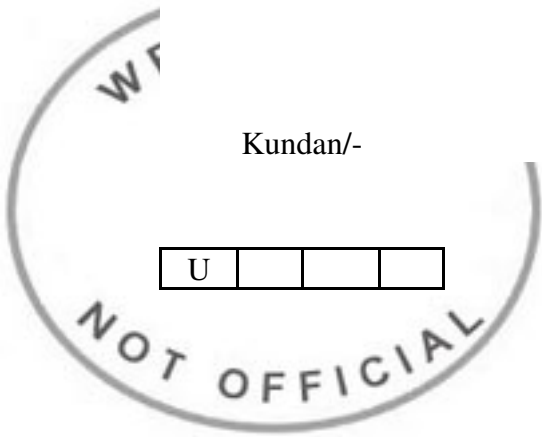
Considering the nature of accusation and the fact that the petitioner Sonu Alam has no criminal antecedent, as stated in paragraph 3 of the petition, let petitioner, namely, Sonu Alam be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (Town) P.S. Case No. 830 of 2012.

So far as petitioner Azad Mian @ Azad Alam is concerned, considering the nature of accusation this Court is not inclined to grant bail to him. Hence, his prayer for bail is

rejected.

Let the trial be expedited.

(Dinesh Kumar Singh, J.)



Kundan/-