

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23484 of 2015

Arising out of PS.Case No. -17 Year- 2015 Thana -HASPURA District- AURANGABAD

1. Sanjur Shah, Son of Kayam Shah.
2. Nanchheda Shah, Son of Moin Shah.
3. Sahboob Shah, Son of Moin Shah.
4. Bhunda Shah, Son of Sadaru Shah. All residents of village - Salempur,
P.S. Haspura, District - Aurangabad (Bihar)

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Leelawati Kumari, Advocate.

For the Opposite Party : Mr. Indu Bala Pandey (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 12-08-2015 The petitioners are languishing in custody since 04.04.2015 in connection with Haspura P.S. Case No. 17 of 2015 for the offences instituted under Sections 147, 148, 149, 341, 323, 307, 504, 506 and 302 of the I.P.C.

Heard learned counsel for the petitioners and learned counsel for the State.

The prosecution story, in brief, is that on 04.02.2015 at about 9.00 P.M. accused Mehmood Shah, Moin Shah, Muslim Shah and Pappu Shah were singing indecent song in front of the house of the informant after parking their tempo and they were also raising hulla. In the meantime, the father of the informant



came outside the house and opposed for such indecent song. Accused persons abused him and after hearing hulla other persons of the family of the accused persons namely, Sanjur Shah, Raja Shan, Nanchheda Shah, Sahboob Shah, Bhunda Shah came, started abusing the father of the informant. In the meantime, the family members of the informant also came and opposed for that in the meantime, Mahmood Shah, Moin Shah, Muslim Shah, Pappu Shah assaulted on the head of the father of the informant by Garansa causing head injury who became seriously injured and when the informant attempted to rescue his father, he was beaten by other accused persons by Lathi, Danda on his head, who also became injured and in he said marpit, his brother Butu Shah, Bhaujai Bano Khatoon were also beaten and while father of the informant was taken to hospital for treatment, in the way, he died. So, from perusal of the F.I.R., it appears that the accused persons named in the F.I.R. including these petitioners after forming an unlawful assembly beaten the informant and father of the informant and others causing death of the father of the informant and causing injuries on the person of the informant and others in order to commit their murder.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 04.04.2015 and the charge sheet

has been submitted in the present case. As per allegation, general and omnibus allegation has been made against the petitioners for assaulting the deceased. The main allegation is against co-accused Mahmood Shah @ Bhola Shah. It is further submitted that the petitioners have got no criminal antecedent.

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 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., Aurangabad, in connection with Haspura P.S. Case No. 17 of 2015.

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(Sudhir Singh, J)