

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7592 of 2016

Arising Out of PS.Case No. -119 Year- 2015 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Md. Baidullah Ansari
2. Md. Aftab Ansari, Both sons of Late Salauddin Mian and Residents of
Village Kaithwalia, P.S. - Chanpatiya, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. P.K.Pandey(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 22-04-2016 Heard learned counsel for the petitioners, learned
A.P.P. representing the State and the learned counsel for the
informant.

Petitioners seek bail in connection with Chanpatiya
P.S. Case No. 119 of 2015 registered for the offences punishable
under Sections 147, 148, 149, 342, 323, 324, 307 and 302 of the
Indian Penal Code.

Allegedly, the petitioners and other co-accused being
armed with Farsa, iron rod and *Lathi* started assaulting the
informant and his family members and at the order of co-accused
Habibulla Ansari, co-accused Khalikulla Zama @ Pappu with an
intentin to kill Mazahar Alam gave Farsa blow on his head

resulting he fell down and then the accused persons assaulted him with iron rod and *Lathi* resulting Mazahar Alam became seriously injured and then Tabarak Ansari came for rescue but he was also assaulted by co-accused Abid Ansari and Jabid Ansari and during treatment Mazahar Alam died.

Submission is of false implication and that against the petitioners there is no specific allegation rather the allegations are general and omnibus in nature, from para-2 of the case diary it reveals that the deceased died due to head injury and specific allegation for causing head injury is against co-accused Khalifulla Zama @ Pappu and, as such, the petitioners who are suffering in custody since 09.12.2015 now deserve sympathetic consideration to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes by submitting that the doctor who has conducted the postmortem examination has found the injury caused by hard and blunt substance.

In the facts and circumstances stated above, considering that specific allegation for causing head injury is against co-accused Khalikulla Zama @ Pappu and not against the petitioners and, as such, the petitioners, above named are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to

the satisfaction of the learned J.M.1st Class, Bettiah, West Champara in connection with Chanpatiya P.S. Case No. 119 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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