

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38608 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -GHANSHYAMPUR District- DARBHANGA

1. Md. Akhtar son of Late Mazid @ Late Kazid
2. Md. Mojahim @ Md. Mujahid son of Late Ulfat
Both residents of Village:- Pohaddi Bela, P.S.- Ghanshyampur, District:
Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Sameer Ranjan, Advocate.

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 19-11-2016

Heard both sides.

The petitioners seek bail in Ghanshyampur P.S. Case No. 5 of 2016 registered under Section 302 and other sections of the Indian Penal Code.

Noor Mohammad named ten persons along with the petitioners, namely, Md.Akhtar and Md. Mojahim @ Md. Mujahid and alleged that they all surrounded his brother Md. Shakil and assaulted him with iron rod and Khanti. The accused persons also assaulted Md. Rabbani and injured him seriously. Learned counsel for the petitioners submitted that no specific allegation of assault is made against the petitioners. During the course of investigation, the witnesses have stated that Md. Mojjamil, whose name appears at Sl. No. 3 in the F.I.R., assaulted Md. Shakil with Khanti on his



head. The doctor found only one injury 2” in diameter in temporal region. No other injury was found. On bisection, different bones of head were found fractured. It is further submitted that similarly situated co-accused Dhanma @ Md. Dhanma @ Md. Zakir, Md. Nasir, Md. Alauddin and Md. Insaf have already been granted bail by different benches of this Court vide orders passed in Cr. Misc. No. 22223/2016 and Cr. Misc. No. 35766/2016. The case of the petitioners stand on similar footing as that of other accused persons who have been granted bail.

On the other hand, learned counsel for the informant as well as learned A.P.P. has vehemently opposed the prayer for bail but the learned counsel for the informant submitted that after the occurrence, the petitioner again entered into the house of Md. Rabbani, assaulted him and committed theft in his house for which Ghanshyampur P.S. Case No. 118/16 was registered.

It appears that the informant alleged that all the ten persons including the petitioners assaulted Md. Shakil (the deceased) but only one injury was found on the head of the deceased and during the course of investigation, Md. Mojjamil is alleged to have assaulted the deceased with Khanti on his head. No specific allegation of assault is made against the petitioners and other similarly situated accused persons have already been

granted bail.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged 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 A.C.J.M., Benipur, Darbhanga in Ghanshyampur P.S. Case No. 5 of 2016.

(Prabhat Kumar Jha, J)

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