

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37085 of 2016

Arising Out of PS.Case No. -771 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

1. Noorul Hoda Son of Late Mumtajir Ahamad
2. Rustam Ali Son of Late Tahir Hussain Both are resident of village - Jai
Singhpur Tola, Retwa, P.S. Turkaulia, District - East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 06-09-2016 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the
offences punishable under Section 302 and other allied sections of
the Indian Penal Code and Section 27 of the Arms Act.

Altogether 29 persons including the petitioners are
named in the first information report but general allegation of
assault has been levelled against the petitioners. The other F.I.R.
named accused are said to have assaulted the deceased and injured
of the present case. The present occurrence appears to have taken
place on account of land dispute. Moreover, having more or less
similar allegation, some co-accused have already been granted

privilege of bail by this Court vide order dated 11.02.2016 passed in Cr. Misc. No. 4773 of 2016.

Although, learned Additional Sessions Judge has mentioned in the impugned order that petitioners had assaulted the deceased by means of lathi and the injuries found on the person of the deceased corroborate the aforesaid allegation but the aforesaid fact has not been mentioned in the first information report and submission on behalf of the petitioner is that the above stated fact is a development of the prosecution witnesses in course of investigation.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkaulia P.S. Case No. 771 of 2015.

(Hemant Kumar Srivastava, J)

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