

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38152 of 2016

Arising Out of PS.Case No. -294 Year- 2015 Thana -BALIA District- BEGUSARAI

Md. Khurshid @ Md. Khushiya @ Md. Khusha, Son of Md. Moti, Resident of Village- Chhoti Ballia, Mirdhatoli, P.S. Ballia, District Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.40593 of 2016

Arising Out of PS.Case No. -294 Year- 2015 Thana -BALIA District- BEGUSARAI

Md. Salauddin, son of Md. Jiyauddin, Resident of village - Chhoti Ballia, Miradhatoli, P.S. - Balia, District - Begusarai.

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.38152 of 2016)

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Sri Manish Kumar 2

(In Cr.Misc. No.40593 of 2016)

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-10-2016 Both the above Criminal Miscellaneous are of the same occurrence and, as such, have been heard together and are being disposed of by passing this common order.

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

The petitioners seek bail in connection with Ballia

P.S Case No. 294 of 2015 registered for the offences punishable under Sections 341, 323, 325, 302/34 of the Indian Penal Code.

Allegedly, due to fight between two children which subsequently turned ugly with parents interfering in the matter and at Md. Lal Babu and Md. Salauddin started assaulting Rahmat Ali and when Md. Samshul came for rescue, he was assaulted with rod and bricks and then the petitioner Md. Khurshid and others came and they started assaulting both the brother and father of the informant and when Allauddin and Nasima Khatoon came for rescue, they were also assaulted by bricks and rod. During treatment Md. Samshul the father of the informant died.

Submission is of false implication and that against the petitioners there is no specific allegation, specific allegation is against Md. Lal Babu for assaulting with iron rod which is evident from paras 41 & 42 of the case diary and further from para 61 of the case diary. In this case, similarly situated other co-accused namely Md. Shahadat @ Shahdu and Paniya Khatoon @ Ppaniya @ Tarranu @ Paniya have been allowed pre-arrest bail by another co-ordinate Benches of this Court and the petitioners are suffering in custody since 09.06.2016 and 16.04.2016 respectively, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as

such, the petitioners deserve sympathetic consideration.

Learned A.P.P. opposes the prayer of bail, but fairly submits that there is specific allegation for assaulting with iron rod is against Md. Lal Babu.

In the facts and circumstances stated above, the petitioners are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, in connection with Ballia P.S. Case No. 294 of 2015, subject to the conditions that one of the bailors must be a 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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