

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44392 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -RUNISAIDPUR District- SITAMARHI

- =====
1. Abida Khatoon Wife of Md. Laloo.
 2. Md. Laloo, Son of Md. Sultan.
 3. Md. Asgar, Son of Md. Laloo,
 4. Shamsheer Alam, Son of Md. Nisar, All resident of Mohalla- Bhawadepur Ward no. 29, R.D. Palace, road, P.S. Sitamarhi, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Smt. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 26-10-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Runnisaidpur P.S. Case No. 11 of 2016 registered under Sections 302/34 and 120(B) of the Indian Penal Code.

The accusation is that in the morning of 05.12.2015, petitioner no.4 Shamsheer Alam accompanied to Md. Ashraf, brother of the informant. On same day at about 11.00 pm. the informant received information about lying of his brother in injured condition at Runnisaidpur. Thereafter, the informant went there and rushed to his brother at private clinic

for treatment, fromwhere he was referred to P.M.C.H., where in course of treatment, he died. The informant raised suspicion having hand of the petitioners in causing injury to his brother Md. Ashraf who died in course of treatment.

Learned counsel appearing on behalf of the petitioners submits that petitioner no.2, informant and deceased are own brothers and petitioner nos. 1 and 3 are wife and son of petitioner no.2 and due to land dispute, they have falsely been implicated in this case. Further submission is that while the occurrence is said to be of 05.12.2015 but the F.I.R. is lodged on 15.12.2015 after 10 days without any explanation of delay.

Having considered the facts and circumstances of the case, let the above named petitioner nos. 1, 2 and 3 be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the C.J.M., Sitamarhi in connection with Runnisaidpur P.S. Case No. 11 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Having considered the facts and circumstances of the case and nature of allegation, prayer of anticipatory bail of

petitioner no.4 Shamsheer Alam is rejected. He is directed to
surrender before the Court below within four weeks and pray
for regular bail.

(Rajendra Kumar Mishra, J)

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