

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39077 of 2016

Arising Out of PS.Case No. -540 Year- 2013 Thana -AURANGABAD TOWN District-
AURANGABAD

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1. Zeyaul Mustafa Khan alias Zeya son of Late Gulam Mustafa Khan.
2. Md. Faiyaz.
3. Md. Faizan.
Both are sons of Zeyaul Mustafa Khan, alias Zeya.
All are resident of Village / Mohalla- Paiathan Toli, Police Station- Town
Aurangabad, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-09-2016 Heard Sri Shailesh Kumar Singh, learned counsel for

the petitioners and learned Additional Public Prosecutor.

Three petitioners, apprehending their arrest in

Aurangabad Town P.S. Case No. 540 of 2013 registered for the

offence under section 341, 323, 504, 307, 379/ 34 of the Indian

Penal Code, have prayed for grant of bail in the event of arrest or

surrender.

By way of referring to the F.I.R. learned counsel for

the petitioners submits that the petitioner no. 1 and his two sons

have falsely been implicated in the present case showing

commission of serious offences under Section 307 and 379 of the

Indian Penal Code. He submits that besides Section 307 and Section 379 of the Indian Penal Code all offences alleged are bailable in nature. He further submits that as per F.I.R. itself there is no element for application of Section 307 of the Indian Penal Code. So far allegation of commission of offence under Section 379 of the Indian Penal Code is concerned, learned counsel for the petitioners submits that on perusal of the F.I.R. it is evident that such allegation has been exaggerated to make the offence serious. He further submits that during medical examination injuries were found simple in nature.

In view of the facts and circumstances and nature of accusation, in the event of arrest or surrender within a period of six weeks from today, let the aforesaid three petitioners Zeyaul Mustafa Khan alias Zeya, Md. Faiyaz and Md. Faizan be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad/ concerned court in connection with Aurangabad Town P.S. Case No. 540 of 2013 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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