

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14399 of 2016

Arising Out of PS.Case No. -34 Year- 2014 Thana -JANKINAGAR District- PURNIA

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1. Md. Taslim Son of Late Md. Azim
2. Md. Nizam Son of Md. Taslim Both are resident of Village- Sahuriya,
Police Station- Janki Nagar, District- Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Raj Kumar, Advocate.

For the Opposite Party : Mr. Bhanu Pratap Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-05-2016 Heard the learned counsel for the petitioners as well

as the learned A.P.P for the State.

The petitioners seek bail in connection with S. T.
No. 57 of 2016 arising out of Janki Nagar P.S. Case No. 34 of
2014 registered for the offence punishable under Section 302/34
of the Indian Penal Code.

Allegedly, the petitioners and other co-accused
assaulted the deceased causing severe injury and during treatment
the deceased died.

Submission is of false implication, as alleged
occurrence has taken place on 25.02.2014 at about 8 a.m. and after
the occurrence, Md. Ali Baksh was taken to Banmanki hospital



and thereafter to Purnea sadar hospital and thereafter to Arbind Hospital and thereafter to Sri Ram Hospital, Patna, where he died on 02.03.2014 and thereafter the case has been lodged on 02.03.2014 after much delay. After the death of the deceased, the case has been lodged falsely. There is material contradiction in the statement as made in the Fardbayan and from her further statement. Co-accused Md. Qaiyum, Md. Usman and Salauddin have been allowed bail vide Criminal Misc. No. 2477 of 2015 and, as such, the petitioners also deserve sympathetic consideration as they are suffering in custody since 27.01.2016.

The learned A.P.P opposes prayer of bail by submitting that the informant in her statement has stated that Md. Taslim assaulted her husband with farsa on his head and all were assaulting with lathi-danda. In post-mortem report also, three injuries have been found.

In the facts and circumstances stated above, considering the delay in lodging the first information report and further in post-mortem report, the injuries caused are by hard and blunt weapon and other co-accused have been allowed bail, as such, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the

learned 1st Additional Sessions Judge, Purnea in connection with S. T. No. 57 of 2016 arising out of Janki Nagar P.S. Case No. 34 of 2014, 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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