

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3273 of 2016

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

=====

1. Md. Shahadat @ Shahdu Son of Md. Aasif@Md. Abbas Resident of Village- Chhoti, Baliya, Mirdah Toli, Police Station Balliya, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.
For Informant : Mr. Saroj Kumar Sharma, Adv.
For the Opposite Party/s : Mr. Uday Pratap Singh (App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 18-02-2016 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State. Learned counsel for the informant is also present.

The petitioner is apprehending his arrest in connection with Ballia P.S. Case No. 294 of 2015, registered for offences punishable under Sections 323, 325, 341, 302 and 34 of the Indian Penal Code.

Diary in the present case was called for, which has since been received.

Learned counsel for the petitioner submits that the occurrence took place on account of a petty dispute regarding the fight between the two children which subsequently turned ugly

with parents interfering in the matter. It is further submitted on behalf of the petitioner that actually the petitioner, Md. Shahadat @ Shahdu had no role to play and had come subsequently after the said incident. It is also alleged that the petitioner had cooperated and helped the two main accused persons involved in the said occurrence.

Learned counsel appearing on behalf of the informant submits that the petitioner has also participated in the said *marpit* and had tried to save and protect the main accused Md. Lalbabu and subsequently rescued and took him away and, thereafter, showered brick chips on the deceased and his family members.

Learned counsel appearing on behalf of the State submits that actually the petitioner is one of those persons, who had assembled at the time of occurrence, however, the main two accused persons are one Md. Lalbabu and Md. Salauddinn.

Considering the nature of allegation made and the role assigned to the petitioner and also that there appears to be no further cogent material in the case diary so as to implicate the petitioner and that the cause of death cannot be saddled on the shoulder of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy

of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 294 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

sunil/-

U		T	
---	--	---	--