

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 5825 of 2016

Arising Out of PS.Case No. -240 Year- 2015 Thana -BRAHMPURA District- MUZAFFARPUR

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Md. Ajmal Hussain @ Shamshad Mian @ Shamshad son of Gaffar Mian @ Abdul Gaffar resident of village - Damodarpur, Police Station - Kanti, District - Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda

For the Opposite Party/s : Mr. Zainul Abedin(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 23-02-2016 Heard Mr. Ziyaul Hoda, learned counsel for the petitioner and Mr. Zainul Abedin, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Brahampura P.S. Case No. 240 of 2015 registered for the offence under Section 304 of the Indian Penal Code, has prayed for grant of anticipatory bail.

It was submitted by learned counsel for the petitioner that on perusal of F.I.R. itself, it is evident that after one of the labourer fell down from the first floor while construction work was going on, this petitioner had himself carried him to the hospital i.e. Shri Krishna Medical College & Hospital and he was provided medical aid. However, subsequently he (labourer) died

and thereafter, the petitioner has been alleged to be constructor of the said work and the petitioner has been made accused. It has also been argued that the petitioner is virtually one of the labourer of the contractor.

In view of nature of accusation, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner namely Md. Ajmal Hussain @ Shamshad Mian @ Shamshad be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Brahampura P.S. Case No. 240 of 2015, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

(Rakesh Kumar, J.)

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