

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12698 of 2017

Arising Out of PS.Case No. -178 Year- 2016 Thana -AURAI District- MUZAFFARPUR

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1. Md. Faiyaz @ Md. Fairaj son of Late Fahimul
2. Juloo Khatoon @ Juli Khatoon D/o Md. Faiyaz @ Md. Fairaj
3. Fatma Bibi wife of Md. Faiyaz @ Md. Fairaj
All R/o village- Sahpur Tole Idgah, P.S.- Pupari, District- Sitamarhi.
..... Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Sri Dilip Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 10-04-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners seek bail in connection with Aurai P.S. Case No. 178 of 2016 registered for the offences punishable under Sections 341, 324, 307, 302, 504, 506 and 34 of the Indian Penal Code.

Allegedly, co-accused Saddam Hussain and the petitioners came along with a tempo and started abusing in filthy languages and when Md. Dilshad tried to pacify the matter, Saddam took out knife and inflicted on the chest resulting, he sustained injury and died when bringing to hospital for treatment and when the informant went to intervene then he was also inflicted with knife and sustained injury. The villagers Ahmadi Khatoon, Md. Mahre



Alam, Md. Sageer Alam and Md. Mukul have also sustained injuries and all are getting treatment in the hospital.

Submission is of false implication and that against the petitioners there is no allegation for inflicting any injury to anyone, it was Saddam who was inflicting injury with knife and he is the assailant, Saddam is in custody and the petitioners who are suffering in custody since 17.12.2016 deserve sympathetic consideration.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that several persons were injured, one died and chargesheet was submitted against the petitioners also.

In the facts and circumstances stated above, considering that against the petitioners there is no specific allegation for assaulting anyone and they are not the assailant, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Sunil Kumar Tripathi, J. M. Ist Class, Muzaffarpur in connection with Aurai P.S. Case No. 178 of 2016, 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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