

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21125 of 2017

Arising Out of PS.Case No. -167 Year- 2015 Thana -HUSAINGANJ District- SIWAN

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Tahir @ Tahir Ali Son of Quamuiddin, Resident of Village- Pratap Pur
(Gosopur), Police Station- Hussainganj, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 20-06-2017 Heard both sides.

The petitioner seeks bail in Hussainganj P.S. Case No. 167/2015 corresponding to Sessions Trial No. 70/2017, registered for the offences punishable under Sections 302, 307 and other sections of the Indian Penal Code.

The informant Azaz Ahmad alleged that while he along with other family members ploughing the land; Amaluddin, Kyamuiddin, Medhu, Aliaz Ahmad, Zahid, Tahir, Azazul, Emamul, Asraf son of Amaluddin and Ashraf son of Abbas having armed with dagger and sword came there. On the order of Amaluddin, Kyamuiddin and Aliaz, the accused persons assaulted the brother of the informant Md. Imran with knife and Md. Imran died on the spot. The accused persons also inflicted dagger blow



to Md. Azad elder brother of the informant. The informant also got injuries.

Learned counsel for the petitioner submits that there is no specific allegation of assault against the petitioner. The deceased got one stab injury, although, ten persons are alleged to have assaulted the deceased with dagger. Similarly situated co-accused Zahid, Kyamuddin, Amaluddin and Azajul have already been enlarged on bail. Zahid was granted bail by the court below. Kyamuddin has been granted regular bail vide order passed in Cr. Misc. 1146/2017. The case of the petitioner stands on the same footing.

It appears that the informant named the petitioner along with nine other accused persons and made omnibus and general allegation of assault in which one person died. From perusal of the post-mortem report, it appears that Md. Imran got only one incised wound on left lumbar region. Similarly situated other co-accused persons have already been enlarged on bail. The petitioner is in jail since 29.07.2016. The petitioner has already remained in jail for 11 months.

Considering the facts aforesaid, the petitioner above-named, is directed to 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 Additional Sessions Judge 5th,
Siwan in connection with Hussainganj P.S. Case No. 167/2015.

(Prabhat Kumar Jha, J.)

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