

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26201 of 2017

Arising Out of PS.Case No. -60 Year- 2017 Thana -LAHERIASARAI District- DARBHANGA

- =====
1. Md. Samsuddin son of Md. Maqsoode Alam @ Md. Maqsood @ Maqsood Alam
 2. Md. Shafi @ Mahful Ansari @ Safi Alam son of Mahmood Alam
Both resident of village Chakrahmat, P.S. Leheriasarai, District – Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Syed Ehteshamuddin

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-06-2017 Heard the parties.

The petitioners seek regular bail in connection with Laheriasarai P.S.Case No.60 of 2017 registered for offences punishable under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

Allegation as per F.I.R. against the petitioners is that they along with the other co-accused persons went to the house of the informant and asked to withdraw the case earlier filed by him and further allegation against them is that they assaulted the informant and other persons, due to which one person died.

It is submitted on behalf of the petitioners that there is no specific allegation of assault against the petitioners to the deceased or any other injured person rather there is general and omnibus



allegation against them. It is further submitted that annexure 2 shows that father of the petitioner sustained simple injury and annexure 3 also shows that other injured also sustained simple injury. It has also been submitted that the father of the petitioner died due to cardiac arrest, which will appear from Annexure-5. Moreover, it is submitted that there is no specific allegation of assault against the petitioners rather there is general and omnibus allegation. The petitioners are in custody since 22.2.2017 as well as there are case and counter case between the parties.

Heard learned A.P.P. and the learned counsel for the informant. The learned counsel for the informant has opposed the prayer for bail on the ground that there is allegation against these petitioners that they had come at the '*Darwaza*' of the informant and asked the informant to withdraw the case and further they assaulted, however, it is admitted fact that there is no specific allegation but one person died in the occurrence due to septicemia caused by the injuries and other injures are grievous in nature.

Having heard both sides and in view of the fact that there are general and omnibus allegation against the petitioners and also they are in custody since 22.2.2017, let the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount



each to the satisfaction of C.J.M., Darbhanga in connection with
Laheriasarai P.S.Case No.60 of 2017.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce or threaten any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

chn/-

U			
---	--	--	--

