IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19875 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -KATIHAR MUFFASIL District- KATIHAR

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1. Sk. Mahmood Son of Late Hazi Nizawat Ali,
2. Md. Amin, Son of Sk. Mahmood.
3. Md. Shakil, Son of Sk. Mahmood. All Resident of Village- Jafarganj, Police Station- Katihar Mufassil, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Surya Prakash
For the Opposite Party/s : Mr. Sri Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 21-06-2017 Heard learned counsel for the petitioners and the State.

Petitioners seek bail in Katihar Muffail P.S. Case No. 12 of 2017 instituted for the offence under Sections-307, 379, 506 & other minor sections of the Indian Penal Code, in which, later on, Section-302 of the Indian Penal Code was also added.

As per written report, on the order of petitioner No. 1, petitioner No. 2 assaulted on the head of husband of the informant with Farsa. It is further alleged that Md. Samim assaulted the husband of the informant with sword on the head.

The postmortem report is available in the C.D. wherein the doctor has found bandaged wound over back of scalp, lacerated wound over lower lip and on dissection head was

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found fractured with blood under brain matter was found. The husband of the informed died during course of treatment.

In such circumstances, there is specific allegation of assault against the petitioner No. 2 namely, Md. Amin and this court is not inclined to grant bail to the petitioner No. 2. Accordingly, prayer for bail of petitioner No. 2 is rejected at this stage.

So far as petitioner Nos. 1 & 3 are concerned, there is general and omnibus allegation against them. Accordingly, petitioner Nos. 1 & 3 named above, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Katihar Muffail P.S. Case No. 12 of 2017 to the satisfaction of learned Judicial Magistrate-Ist Class, Katihar subject to condition that both the bailors should be close relatives of the petitioners.

(Sanjay Priya, J)

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