

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33765 of 2017

Arising Out of PS.Case No. -21 Year- 2017 Thana -RAUTA District- PURNIA

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1. Md. Ubaid Alam Son of Md. Idris Resident of Village- Pandarpur, Police Station- Rauta, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.37865 of 2017

Arising Out of PS.Case No. -21 Year- 2017 Thana -RAUTA District- PURNIA

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1. MD. SHAMSAD ALAM MASTER @ MD. SHAMSHAD ALAM Son of Md. Idris Resident of Village - Pandarpur, Police Station - Rauta, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.33765 of 2017)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

(In Cr.Misc. No.37865 of 2017)

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 06-09-2017 Both cases arises out of same P.S.Case Number, as such both the cases are being disposed with a common order.

Heard the parties.

The petitioners seek regular bail in connection with Rauta P.S.Case No.21 of 2017 , registered for offences punishable



under Sections 147, 148, 323, 307, 452, 436, 379, 506 and 302 of the Indian Penal Code.

Allegation against the petitioners as per F.I.R. is that the petitioners of both the cases along with 14 other co-accused persons entered inside the house of *Bhagna* of the informant and also assaulted him, causing death of his *Bhanga*.

Submission of the learned counsel for the petitioners is that in the Fardbeyan, it is alleged that 14 accused persons entered into the house and assaulted whereas in his further statement the informant has made accused 40 persons and specific allegation is against three accused persons but not against the petitioners. It is further submitted that the postmortem report shows only two injuries on the person of the deceased and both the petitioners are in custody for about five months.

Heard learned A.P.P. also and the learned counsel for the informant. They have opposed the prayer for bail stating that the petitioners are named in the F.I.R. Further their confession has been recorded by the police.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount



each to the satisfaction of learned A.C.J.M.-IIInd, Purnea in connection with Rauta P.S.Case No.21 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 any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in disposal of trial and make themselves available as and when required by the court. In the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reason, their bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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