

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20473 of 2017

Arising Out of PS.Case No. -514 Year- 2016 Thana -SHIKARPUR District- WESTCHAMPARAN
(BETTIAH)

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1. Munna Khan Son of late Nek Mohammad Khan Resident of Village-
Pokhariya, P.S. Shikarpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

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

For the informant : Mr. Zainul Abedin, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 23-06-2017 Heard both sides.

The petitioner seeks bail in Shikarpur P.S. case No. 514 of 2016 under Section 307 and other Sections of the Indian Penal Code. Later on Section 302 of the IPC was added after death of Mobarak Ansari, father of the informant.

The informant alleged that when his father went to enquire, all the accused persons, namely, Sarfaraz Khan, Jafran Khan, Shani Khan, Munna Khan, Afsana Khatoon, Mozamil and Rizwana Khatoon, having armed with different weapons, assaulted his father. The informant further alleged that Sarfaraz Khan assaulted his father with Lathi on his head and his father fell down on the ground after being injured. The petitioner, Munna Khan, is



alleged to have assaulted Nazir Ansari.

The learned counsel for the petitioner submits that petitioner is not the assailant of Mobarak Ansari. Petitioner is the assailant of Nazir Ansari, who got simple injuries, but the learned counsel for the informant submitted that in the first part of FIR all the accused persons are alleged to have assaulted Mobarak Ansari, father of the informant, but from perusal of the post mortem report it appears that one stitch wound on middle part of head was found. There was swelling all along the right eye. There appears that there is only one injury on head which is attributed to Sarfaraz and on account of such injury Mobarak Ansari died.

Considering the fact that petitioner is not the assailant of the deceased, the above named petitioner 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 the learned Chief Judicial Magistrate, West Champaran at Bettiah in Shikarpur P.S. Case No. 514 of 2016.

(Prabhat Kumar Jha, J)

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