

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38352 of 2017

Arising Out of PS.Case No. -53 Year- 2017 Thana -KANTI THARMAL POWER District-
MUZAFFARPUR

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Md. Abdul Salam @ Matiya, Son of Md. Nasiruddin, resident of Village-
Damodarpur, Police Station- Kanti District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
04.04.2017 in connection with Kanti P.S. Case No. 53 of 2017 for
offences punishable under Sections 147, 148, 149, 341, 342, 323,
324, 302/120(B) of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that in the night at 9.30PM while the informant and his family
were in the house, he heard the sound of some body abusing and
when his son Md. Firdaus came out he found the petitioner along
with other co-accused abusing and with the knife they assaulted
his son Md. Firdaus. When his other son Md. Afroj came out he



was also assaulted. Md. Firdaus was seriously injured and died while being taken to the hospital.

It has been submitted by the learned counsel for the petitioner that he is innocent, general and omnibus allegations have been levelled against all the accused persons and the mother of the deceased and injured brother of the deceased Md. Afroj during investigation has specifically named one Md. Irshad who have inflicted knife blow on the chest and abdomen of the deceased. The mother and Md. Afroj have also alleged that Md. Irshad inflicted knife blow on Md. Afroj also. The allegation upon the petitioner is of abusing and beating by stick. He submits that the post mortem report also specifies two injuries on the deceased. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that all the accused persons have killed one son of the informant and injured the other son.

Considering the facts and circumstances and the materials on record since main allegation is upon Md. Irshad who has inflicted knife blow on the deceased and other son of the informant, let petitioner, above named, 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 learned S.D.J.M. (West) Muzaffarpur in connection with Kanti P.S. Case No. 53 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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