

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58891 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -TEDHAGACHH District- KISANGANJ

- =====
1. Nafil @ Faiyaz @ Faiyaz Alam, son of Late Mahbud Baks @ Mahboob Baks,
 2. Akbal, Son of Nafil @ Faiyaz, Both residents of Village- Kharra Belbari, P.S.- Terhagachh, District- Kishangaj.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with
Terhagachh P. S. Case No. 46 of 2017 registered under Sections
341, 323, 447, 504 and 302/34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioners that though the informant alleged in the first
information report that his wife Bibi Anjila was assaulted by
altogether 13 accused persons named in the FIR including the
petitioners, in his subsequent statement, he stated that she was
pushed on the ground by accused Noujar Alam. He submitted



that the post-mortem examination report of Bibi Anjila would go to suggest that no external or internal injury was found on her body and she died due to cardio respiratory failure.

Learned Additional Public Prosecutor for the State has opposed the prayer for grant of pre-arrest bail to the petitioners.

Considering the allegations made in the FIR and the post-mortem examination report annexed as Annexure-2 to the present application, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Kishanganj in Terhagachh P. S. Case No. 46 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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