

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12141 of 2017

Arising Out of PS.Case No. -222 Year- 2016 Thana -BARHARIA District- SIWAN

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1. Amir Azam Son of Ali Raza Resident of Village Mahal, Police Station-
Jamo Bazar, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 17-04-2017 Heard both sides.

The petitioner seeks bail in Barharia P.S. Case No. 222/2016, registered for the offences punishable under Sections 341, 323, 307/34 of the Indian Penal Code. Later on, after death of Abdullah, Section 302 of the Indian Penal Code was added.

The informant alleged that Ladle @ Samiullah called his son Abdullah in village Mahal. At about 4 O'clock, there was a rumour that some persons of village Mahal assaulted his son and the villagers took him to Barharia hospital for treatment.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. Name of the petitioner figured during course of investigation and then the petitioner was arrested. In paras 31 and 32 of the case diary, Afsar and Sahil disclosed the



name of the petitioner and others and alleged that they assaulted Abdullah, the deceased. The son of the informant was referred to Sadar Hospital, Siwan. It is submitted that during course of investigation Dy. S.P. supervised the case and found that the deceased and others were stalking the girls of village Mahal and during that course some altercation took place. The petitioner was mere standing near the occurrence. In Paras 101 and 102 of the case diary, Samsuddin Mian and Ali Hussain stated that Masiullah @ Ladle, Afsar and Md. Sahil were moving around the village, but in the meantime, Mumtaz Ahmad and Roze Mahmud @ Mohar stopped them and asked the reason of stalking the girls. There was some scuffle between them, then Ladle called Abdullah. It is further submitted that Mumtaz Ahmad, Gaffar Mian, Sahnawaz @ Pappu, Golden and Roze Mohammad assaulted them, but Sahil, Md. Afsar and Ladle fled away and Abdullah was caught. Roze Mohammad @ Mohar and Mumtaz assaulted Abdullah with bamboo sticks. It is further submitted that Abdullah died on account of injury on his head. No other injury on any parts of body of the deceased Abdullah was found.

Learned Additional P.P., however, opposes the prayer for bail.

It appears that the petitioner is not named in the FIR,



but name of the petitioner figured in the case in paras 31 and 32 of the case diary and the witnesses disclosed that the petitioner along with other co-accused assaulted Abdullah, the deceased. It has come that the deceased and others had come in village Mahal and while they were stalking the girls in the village, some scuffle took place between the two groups, but the witnesses in paras 102 and 103 disclosed that Roze Mohammad @ Mohar and Mumtaz assaulted Abdullah, the deceased with bamboo sticks and fled away.

Considering the facts aforesaid, the petitioner above named 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, Siwan, in connection with Barhariya P.S. Case No. 222/2016.

(Prabhat Kumar Jha, J.)

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